

ORIGINAL



0000092382

BEFORE THE ARIZONA POWER PLANT  
AND TRANSMISSION LINE SITING COMMITTEE

2009 JAN 13 P 4: 20

IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY, INC.  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA REVISED  
STATUTES §§ 40-360, *et seq.*, FOR A  
CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING THE TS-5  
TO TS-9 500/230 kV TRANSMISSION LINE  
PROJECT, WHICH ORIGINATES AT THE  
FUTURE TS-5 SUBSTATION, LOCATED IN  
THE WEST HALF OF SECTION 29,  
TOWNSHIP 4 NORTH, RANGE 4 WEST AND  
TERMINATES AT THE FUTURE TS-9  
SUBSTATION, LOCATED IN SECTION 33,  
TOWNSHIP 6 NORTH, RANGE 1 EAST, IN  
MARICOPA COUNTY, ARIZONA.

DOCKET NO. L-00000D-08-0330-00138  
Arizona Corporation Commission

CASE NO. 138

DOCKETED

JAN 13 2009

DOCKETED BY

ARIZONA CORPORATION  
COMMISSION STAFF'S REQUEST  
FOR REVIEW

I. INTRODUCTION.

A formal evidentiary hearing for the above-captioned matter was held over the course of approximately 15 days between August 18, 2008, and December 2, 2008, before the Arizona Power Plant and Line Siting Committee ("Committee"). On December 29, 2008, Committee Chairman John Foreman filed with the Arizona Corporation Commission ("Commission") the Committee's decision and order approving Arizona Public Service Company's ("Applicant" or "APS") request for a Certificate of Environmental Compatibility ("CEC") for a double circuit 500/230 kV power line ("Project").

In addition to approving the Company's request for a CEC, the Committee considered numerous conditions that would apply to the CEC. Commission Utilities Division Staff ("Staff") offered one recommended condition to the CEC. The condition, which required a physical separation between the proposed Project's tower structures and existing transmission towers, was not adopted by the Committee. Staff continues to believe that a tower separation condition would be appropriate to protect the public interest in reliable electric transmission, and therefore, pursuant to A.R.S. § 40-360.07(B), Staff requests Commission review of the Committee's decision so that the Commission may consider the addition of Staff's second proposed CEC condition.

Staff is likewise aware that certain procedural irregularities may have occurred in this

1 proceeding. Staff does not, however, believe that these procedural irregularities preclude the  
2 Commission from approving this CEC because they were reasonably addressed during the  
3 proceeding. Each of these issues is addressed in turn below.

## 4 **II. REQUEST FOR REVIEW**

5 Staff filed for intervention in this matter on July 7, 2008. At the evidentiary hearing, Staff  
6 provided one witness, Ray Williamson, to present its case. Mr. Williamson's testimony covered  
7 Staff's technical review of the engineering issues raised by the Project. Among his conclusions, Mr.  
8 Williamson noted that the Project will strengthen the Extra High Voltage system serving the Phoenix  
9 metropolitan area, thereby improving overall system reliability. Mr. Williamson further explained  
10 that Staff supports the approval of the Project because it will enhance APS' ability to meet its REST  
11 requirements.

12 In conjunction with Staff's concerns about reliability, Staff proposed one condition to the  
13 CEC through the testimony of Mr. Williamson. The proposed condition pertains to the separation of  
14 the Project's transmission towers from existing transmission structures by at least the height of the  
15 tallest tower in each respective span. However, the Committee did not accept Staff's proposed tower  
16 separation condition. As expressed in Staff exhibit CC-1, Staff recommended inclusion of the  
17 following condition:

18 The applicant shall maintain appropriate distance between the TS-5 to TS-9 500 kV  
19 line and other EHV lines in the same corridor. This distance should be at a minimum  
20 equal to or greater than the height of the tallest tower in each span.

21 Additionally, Mr. Williamson provided testimony that the inclusion of this tower and line separation  
22 condition would further enhance reliability by preventing "a severe cascading outage with an event  
23 that takes out not just one line but multiple lines." Tr. at 1150:25-1151:5. However, this condition  
24 was ultimately not included in the CEC adopted by the Committee. Moreover, during deliberations,  
25 the Committee indicated concerns regarding the appropriateness of Staff's continued offering of a  
26 pole separation condition. Tr. at 3597-3599.

27 Because Staff believes that including this condition in the CEC is appropriate and beneficial  
28 to the public interest in reliable delivery of electric utility service, Staff continues to recommend

1 inclusion of the condition to the CEC. Staff would likewise support the following condition using  
2 language provided by APS in a proposed CEC submitted in this matter on November 26, 2008:

3       The applicant shall maintain appropriate distance between the Project and existing  
4       transmission lines in the same corridor. Except when crossing existing lines or  
5       entering and exiting substations, this distance should be at a minimum equal to or  
6       greater than the height of the tallest tower in each span.

7 However, in light of the comments of the Committee, Staff believes it would be useful to obtain  
8 guidance from the Commission as to when and how the policies implicated by Staff's condition are  
9 present. Pursuant to A.R.S. § 40-360.07(B), Staff requests review of the Committee's decision by  
10 the Commission for the purpose of considering the addition of Staff's proposed CEC condition or  
11 condition number seventeen (17) of the proposed CEC filed by APS on November 26, 2008.

### 12 **III. PROCEDURAL IRREGULARITIES**

13 Staff notes that certain procedural irregularities have occurred in other recent siting  
14 proceedings. *See generally* Staff's Request for Review filed in Docket No. L-00000GG-08-0407-  
15 00139 / L-00000GG-08-0408-00140 (case no. 139/140 or "Solana") and Staff's Request for Review  
16 filed in L-00000HH-08-0422-00141 (case no. 141 or "Coolidge") provided as Attachments A and B  
17 respectively.<sup>1</sup> Although Staff notes that certain procedural irregularities occurred in this proceeding  
18 as well, these irregularities do not preclude the Commission from approving this CEC. The  
19 procedural issues discussed in this request for review consist of: (A) Open Meeting notice, (B) the  
20 tour, and (C) email communications.

#### 21 **A. OPEN MEETING NOTICE**

22 Although Staff raised concerns in the recent Solana and Coolidge line siting cases regarding  
23 compliance with notice provisions of the OML statutes, Staff believes notice in this matter has  
24 complied with the OML statutes. The initial notice used a format consistent with the notice  
25 employed by prior Committee Chairmen. Further, the development of the notice issue occurred  
26 during the substantial space of time between hearings in this proceeding, thereby facilitating the use  
27 of notice forms that are appropriate under the OML.

28 <sup>1</sup> In order to focus on the most salient portions and conserve paper, Attachments A, B, D, E, F,  
and G, have been provided without attachments or pleadings.

1           **B.      TOUR**

2           Despite concerns raised regarding the protocol used during the tour conducted in Docket No.  
3 L-00000HH-08-0422-00141 ("Coolidge"), Staff does not believe that the tour conducted in this  
4 matter should prevent the Commission from approving this CEC. Because of concerns raised by  
5 Staff over the protocol observed in a tour in the Coolidge line sitting matter and concerns raised by  
6 Staff relating to the Open Meeting Law ("OML"), the Committee excluded the tour conducted in this  
7 matter from consideration in its deliberations whether to approve the application. Tr. at 964, 3462.  
8 This treatment is not unreasonable because the Applicant presented a virtual tour as part of the  
9 evidentiary proceeding which visually described the routes and could serve as a substitute for an  
10 actual tour. Further, there is no indication on this record that the tour conducted herein involved the  
11 same conduct that raised the OML concerns present in the Coolidge proceeding. Staff believes that  
12 the Committee's exclusion of the tour from its consideration of the merits was designed to mitigate  
13 any procedural irregularities that may have been associated with the tour.

14           **C.      EMAIL COMMUNICATIONS**

15           As the above-captioned matter progressed from the filing of the application through the  
16 conclusion of proceedings and the filing of the signed CEC, email communications were employed  
17 extensively to facilitate procedural and scheduling issues. In addition, potentially substantive emails  
18 were exchanged between parties and were sometimes copied to members of the Committee.<sup>2</sup> In  
19 order for the public to have confidence that the record developed at the publicly held proceedings is  
20 complete and free of the concern that parallel proceedings were occurring outside of the public  
21 scrutiny, Staff filed copies of those emails that were distributed between parties and members of the  
22 Committee that Staff had in its possession on November 13, 2008. Because Staff's filing occurred  
23 before the Committee's proceeding was completed, the parties (and the public) had this information  
24 available to them during the course of the proceeding. For this reason, Staff believes that these email  
25 communications do not preclude the Commission from approving the CEC.

26           **IV.     CHANGES TO STANDARD CEC CONDITIONS**

27           Earlier in this proceeding, the Chairman circulated to the parties certain draft conditions,  
28

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<sup>2</sup> An illustrative chain of emails is provided as Attachment C.

1 apparently as a starting point for discussions on how to enhance recurring standard conditions for use  
2 in this and other proceedings. The Commission, however, subsequently expressed concerns about its  
3 ability to follow the development of any changes to the standard conditions. In this case, Staff  
4 believes that the conditions approved by the Committee substantially incorporate the standard CEC  
5 conditions, are appropriate, and advance the public interest. In order to allay concerns that some of  
6 these "boilerplate" conditions have been excluded or inappropriately modified, Staff provides the  
7 following discussion of the development of the various conditions set forth in the CEC.

8 First, Staff notes that the CEC for line siting case 136 ("Sundance") (Decision No. 70325  
9 (April 29, 2008)) appears to have been utilized by APS as the proposed template for the standard  
10 conditions and a copy is included as Attachment D. From that starting point, APS proposed a CEC  
11 that contained no new conditions but removed conditions 7, 8, and 14 and reworded portions of  
12 condition 10.<sup>3</sup> A copy of the initially proposed CEC is provided as Attachment E.

13 Following the meet and confer process, the conditions were further modified although all the  
14 changes appear to have made the conditions more stringent. A copy of the proposed CEC with these  
15 changes is provided as Attachment F. Sundance conditions 7 and 8 were introduced to the proposed  
16 CEC as conditions 9 and 10. Standard conditions that were made more rigorous were proposed  
17 conditions 1 and 12.

18 Finally, the Committee approved language further modifying some of the standard CEC  
19 conditions during its deliberations, likewise by making the conditions more exacting and more  
20 specifically tailored to the facts of this application than the standard language. Conditions 1, 11, and  
21 12 were so modified. At Staff's suggestion, the Committee also modified condition 17 although the  
22 change was nonsubstantive. A copy of the final CEC is provided as Attachment G.

## 23 V. CONCLUSION

24 For the above stated reasons, Staff requests review of the CEC filed in this matter. Staff  
25 supports this project and urges the Commission to approve the CEC. Staff does, however,  
26 recommend that the Commission include Staff's pole separation condition as described in this filing.

27  
28 <sup>3</sup> Condition 14 to the Sundance CEC was specific to the facts of that case. APS witness Mike  
Dewitt provided testimony evidence to explain APS' removal of conditions 7 and 8 as well as  
the modifications to condition 10. Tr. at 215-221.

1 Further, although Staff has discussed certain procedural matters in Sections III.B and III.C, Staff  
2 does not believe that these issues preclude the Commission from approving this CEC, and Staff  
3 continues to support this project on the merits.

4 RESPECTFULLY SUBMITTED this 13<sup>th</sup> day of January, 2009.

5 

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12 13<sup>th</sup> day of January, 2009 with:

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16 Copies of the foregoing  
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20 Pleasant Group

19 By Dawn A. Wilson



# ATTACHMENT A

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ORIGINAL

# OPEN MEETING AGENDA ITEM

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

LLC

2 COMMISSIONERS

3 MIKE GLEASON, Chairman  
4 WILLIAM A. MUNDELL  
5 JEFF HATCH-MILLER  
6 KRISTIN K. MAYES  
7 GARY PIERCE

2008 NOV -5 P 3:11

AZ CORP COMMISSION  
DOCKET CONTROL

8 IN THE MATTER OF THE APPLICATION OF  
9 ARIZONA SOLAR ONE, LLC IN  
10 CONFORMANCE WITH THE  
11 REQUIREMENTS OF ARIZONA REVISED  
12 STATUTES §§ 40-360, *et seq.*, FOR A  
13 CERTIFICATE OF ENVIRONMENTAL  
14 COMPATIBILITY AUTHORIZING THE  
15 CONSTRUCTION OF THE SOLANA  
16 GENERATING STATION, LOCATED IN  
17 SECTION 9, TOWNSHIP 6 SOUTH, RANGE 7  
18 WEST, MARICOPA COUNTY, ARIZONA.

DOCKET NO. L-00000GG-08-0407-00139

CASE NO. 139

Arizona Corporation Commission

DOCKETED

NOV - 5 2008

DOCKETED BY

*mm*

12 IN THE MATTER OF THE APPLICATION OF  
13 ARIZONA SOLAR ONE, LLC IN  
14 CONFORMANCE WITH THE  
15 REQUIREMENTS OF ARIZONA REVISED  
16 STATUTES §§ 40-360, *et seq.*, FOR A  
17 CERTIFICATE OF ENVIRONMENTAL  
18 COMPATIBILITY AUTHORIZING THE  
19 CONSTRUCTION OF THE SOLANA GEN-TIE,  
20 WHICH ORIGINATES AT THE SOLANA  
21 GENERATING STATION, LOCATED IN  
22 MARICOPA COUNTY, AND TERMINATES AT  
23 THE PANDA 230 kV SUBSTATION, LOCATED  
24 IN GILA BEND, ARIZONA.

DOCKET NO. L-00000GG-08-0408-00140

CASE NO. 140

ARIZONA CORPORATION  
COMMISSION STAFF'S REQUEST  
FOR REVIEW

19 I. INTRODUCTION.

20 A formal evidentiary hearing for the above-captioned matter was held over the course of three  
21 days between September 22, 2008, and October 14, 2008, before the Arizona Power Plant and Line  
22 Siting Committee ("Committee"). On October 21, 2008, Committee Chairman John Foreman filed  
23 with the Arizona Corporation Commission ("Commission") the Committee's decision and order  
24 approving Arizona Solar One's ("Applicant") request for a Certificate of Environmental  
25 Compatibility ("CEC") for a Solar-Thermal Generating Station ("Solar Plant") and a 230 kV power  
26 line ("Gen-Tie").

27 In addition to approving the Company's request for a CEC, the Committee considered  
28 numerous conditions that would apply to the CEC. Staff offered two recommended conditions to the

1 CEC. The first condition was accepted and is included in the CEC approving the Gen-Tie as  
2 Condition 15. The second condition, which required a physical separation between the proposed  
3 Gen-Tie's tower structures and existing transmission towers, was not adopted by the Committee.  
4 Staff continues to believe that a tower separation condition would be appropriate to protect the public  
5 interest in reliable electric transmission, and therefore, pursuant to A.R.S. § 40-360.07(B), Staff  
6 requests Commission review of the Committee's decision so that the Commission may consider the  
7 addition of Staff's second proposed CEC condition.

8 As an additional matter, Staff is proposing a minor clarification to the corridor as described in  
9 the CEC. The Committee voted to approve a corridor for the Gen-Tie facilities that modified the  
10 corridor that the Applicant originally requested. Owing to ambiguity associated with the description  
11 of the corridor related to the Gen-Tie's connection to the Panda 230 kV substation, Staff of the  
12 Commission's Utilities Division ("Staff") is offering for the Commission's consideration language to  
13 clarify that segment of the corridor.

14 Staff is likewise aware that certain procedural irregularities occurred in this proceeding. Staff  
15 does not, however, believe that these procedural irregularities should affect the Commission's  
16 decision in this matter because they were reasonably addressed during the proceeding. Finally, Staff  
17 suggests that it is appropriate to complete the record in this matter with certain e-mails that have  
18 been circulated during the course of this proceeding, and Staff has therefore included those e-mails  
19 with this filing. Each of these issues is addressed in turn below.

## 20 **II. BACKGROUND.**

21 Staff filed for intervention in this matter on August 14, 2008. At the evidentiary hearing,  
22 Staff provided two witnesses, Bob Gray and Ray Williamson, to present its case. Mr. Gray discussed  
23 the natural gas issues that are implicated by the "need" evaluation associated with the Solar Plant.  
24 Specifically, Mr. Gray addressed the Applicant's testimony concerning 1) the benefits of solar  
25 thermal generation as a means to diversify energy sources; 2) Arizona's growing reliance on natural  
26 gas as a fuel source and the concomitant vulnerability to fluctuation in natural gas prices; 3) the  
27 potential of the proposed Solar Plant to affect natural gas prices observed in Arizona; and, 4) the  
28 Solar Plant's ability to help APS meet its Renewable Energy Standard ("REST") requirements. As

1 Mr. Gray testified, although in isolation the Solar Plant will likely not produce sufficient electricity  
2 to have a significant impact on natural gas pricing, the Solar Plant will contribute to the public  
3 interest by diversifying Arizona's energy resources as well as satisfying APS' REST requirements.  
4 Further, Mr. Gray noted that, as projects similar to the Solar Plant move forward, the underlying  
5 technology will become more common and likely less expensive.

6 Mr. Williamson's testimony covered Staff's technical review of the engineering issues raised  
7 by the Solar Plant and the Gen-Tie. Among his conclusions, Mr. Williamson noted that certain  
8 system improvements will be necessary in order to reliably interconnect the Solar Plant with APS'  
9 grid. Mr. Williamson further explained that Staff supports the approval of the Solar Plant and Gen-  
10 Tie because they will enhance APS' ability to meet its REST requirements and will provide clean  
11 renewable energy for Arizona. Mr. Williamson concluded that, through employment of thermal salt  
12 storage, the Solar Plant will be able to provide dispatchable electricity to the grid throughout APS'  
13 peak service hours. Finally, Mr. Williamson noted that the Solar Plant will improve APS' ability to  
14 reliably meet its load requirements, provided that needed system improvements are made prior to  
15 interconnection with the grid.

16 In conjunction with Staff's concerns about reliability, Staff proposed two conditions to the  
17 CEC for the Gen-Tie through the testimony of both Mr. Gray and Mr. Williamson. The first  
18 condition requires cathodic protection studies about the effect that high voltage lines might have  
19 when placed in close proximity to natural gas and hazardous chemical underground pipelines. The  
20 second condition pertains to the separation of the Gen-Tie's transmission towers from existing 230  
21 kV structures by at least the height of the tallest tower in each respective span. The Committee  
22 accepted the condition relating to cathodic protection studies, and it is incorporated as Condition 15  
23 of the CEC for Line Siting case 140. However, the Committee did not accept Staff's proposed tower  
24 separation condition.

### 25 III. REQUEST FOR REVIEW.

#### 26 A. Pole Separation.

27 As part of Mr. Williamson's testimony, Staff proposed a condition to further enhance the  
28 reliability of the Gen-Tie by separating its transmission towers from existing transmission towers

1 already present in the approved corridor. As presented to the Committee and modified for its  
2 consideration, the condition stated:

3           The Applicant shall maintain appropriate distance between the  
4           Project and existing 230 kV transmission lines in the same corridor.  
5           Except when crossing existing lines or entering and exiting  
6           substations, this distance should be at a minimum equal to or greater  
7           than the height of the tallest tower in each span.

8 Staff believes that a tower separation condition would serve the public interest by enhancing the  
9 reliability of the Gen-Tie. As explained by the application, the towers that Applicant proposes to  
10 construct for the Gen-Tie could be as tall as 190 feet. Tr. at 491:5-6. Further, there is an existing  
11 230 kV transmission line owned by APS within the same corridor that the Committee approved for  
12 the Gen-Tie. Tr. at 112. That existing transmission line utilizes wooden poles to suspend the line.  
13 Tr. at 403:19-20.

14           The Applicant has stated that its construction plans contemplate a pole separation from the  
15 existing wooden structures by an increment equal to the height of the tallest wooden structure in the  
16 respective span. Tr. at 403:3-11, Exhibit A-8 at 8:1-2. This measure will improve transmission  
17 reliability by limiting the damage that a failing wooden structure may inflict on the 230 kV Gen-Tie.  
18 Staff suggests that a pole separation condition should be included to protect the preexisting  
19 transmission line from the Gen-Tie as well. Consequently, Staff recommends that the Commission  
20 require a tower separation condition that provides for the mutual protection of either the wood frame  
21 230 kV line or the Gen-Tie in the event of a tower failure on either line.

22           In the alternative, Staff believes that it would be appropriate to memorialize the Applicant's  
23 commitment to maintain a tower separation equal to the height of the tallest wooden transmission  
24 structure on the existing 230 kV line if the Commission concludes that Staff's pole separation  
25 condition is not necessary. As Applicant has noted, wooden tower structures are more at risk of  
26 failure than steel monopole structures. Tr. at 402:21 - 403:2. Further, it would be beneficial to  
27 specifically set forth the parameters governing the Gen-Tie's construction by including a condition  
28 that specifies a minimum tower separation. In the event that the Commission believes that a tower  
separation condition premised upon protecting the Gen-Tie towers from the existing wooden towers

1 is appropriate for this CEC, Staff would recommend the following language:

2           The Applicant shall maintain appropriate distance between the  
3           Project Gen-Tie towers and existing 230 kV transmission lines in the  
4           same corridor. Except when crossing existing lines or entering and  
5           exiting substations, this distance should be at a minimum equal to or  
6           greater than the height of the tallest wooden 230kV transmission  
7           tower in each span.

8           **B. Clarification of CEC Corridor.**

9           During its deliberations, the Committee approved a corridor that modified what the Applicant  
10          had proposed in its application for CEC. Notably, the evidence on the record indicates that the  
11          Committee reduced the requested corridor widths along the route. The wording in the CEC that  
12          expresses the modification may be considered as ambiguous in its description the Gen-Tie  
13          connection to the Panda 230 kV substation.

14          As described in the CEC, the relevant segment is:

15               At the point along the section line / Watermelon Road alignment  
16               located parallel to the eastern boundary of the existing APS Panda  
17               230 kV Substation, the route extends 1,000 feet north of Watermelon  
18               Road, within a 500-foot wide corridor east of the existing APS Panda  
19               230 kV Substation.

20          Line Siting Case 140, CEC at 4.

21          The ambiguity arises from the description of a 1,000 feet of corridor as an additional leg of  
22          the *route*, instead of the *corridor*. In order to clarify that the segment is a corridor adjustment and  
23          not an additional route segment, Staff proposes for the Commission's consideration the following  
24          language in place of the present description:

25               At the point along the section line / Watermelon Road alignment  
26               located south of the eastern boundary of the existing APS Panda 230  
27               kV Substation, the corridor also extends 1,000 feet north of  
28               Watermelon Road, for 500 feet east of the existing APS Panda 230  
29               kV Substation.

30          Staff has discussed this proposed change with the Applicant and is informed that the Applicant finds  
31          this clarification acceptable.

32          **C. Procedural Issues.**

33          In another siting proceeding before the Committee, certain procedural irregularities have  
34          occurred that required the Committee to conduct a ratification proceeding pursuant to A.R.S. § 38-

1 431.05.B. See Docket No. L-00000HH-08-0422-00141 ("Coolidge"). Although the Solana  
2 proceeding has also experienced certain procedural irregularities, they do not require ratification.

3 Although there was a public notice of hearing dated August 6, 2008, that was published and  
4 posted for the hearings in this case, the August 6<sup>th</sup> hearing notice did not comply with the notice and  
5 agenda requirements of the Open Meeting Law ("OML"). See Attachment A. As a result, two days  
6 of the Solana hearings were not properly noticed in accordance with OML. See A.R.S. § 38-431.02.

7 However, unlike the Coolidge case, the defective notice was discovered before the Committee voted  
8 on the merits of the application. An appropriate notice was then issued and posted, see Attachment  
9 B, and the Committee mitigated the issues created by the defective notice by admitting the transcripts  
10 from the first two days of hearing. Tr. at 330:12-14. Staff believes that these efforts were designed  
11 to mitigate the issues associated with the defective notice.

12 In the Coolidge matter, there were also various issues associated with the conduct of the tour.  
13 See Docket No. L-00000HH-08-0422-00141, Arizona Corporation Commission, Staff's Request for  
14 Review and Notice of Filing of Concerns Related to Irregularities in Proceedings at 4-7, October 21,  
15 2008. For example, the tour in the Coolidge proceeding appears to have involved off-the-record *ex*  
16 *parte* communications between Committee members and the Applicant. These off-the-record  
17 discussions raise issues related to the OML, the Commission's *ex parte* rule, and the siting statutes,  
18 among others. *Id.* In the Solana proceeding, however, there is no indication that the same issues exist  
19 with respect to the tour. In any case, the Committee excluded the tour from its consideration of the  
20 merits of the case. Tr. at 336:8-13. This treatment is not unreasonable because the Applicant  
21 presented a virtual tour as part of the evidentiary proceeding which visually described the routes and  
22 could serve as a substitute for an actual tour. Staff believes that the Committee's exclusion of the  
23 tour from its consideration of the merits was designed to mitigate any procedural irregularities that  
24 may have been associated with the tour.

25 **D. Supplementation of the Record.**

26 As the above-captioned matter progressed from the filing of the application through the  
27 conclusion of proceedings and the filing of the signed Certificates of Environmental Compatibility,  
28 e-mail communications were employed extensively to facilitate procedural and scheduling issues. In

1 addition, potentially substantive e-mails were exchanged between parties and were sometimes copied  
2 to members of the Committee. Staff believes that, in order for the public to have confidence that the  
3 record developed at the publicly held proceedings is complete and free of the concern that parallel  
4 proceedings were occurring outside of the public scrutiny, it would be appropriate to provide in the  
5 docket copies of those e-mails that were distributed between parties and members of the Committee.

6 Staff did not voice any concerns earlier surrounding the use of e-mails in this proceeding in  
7 consideration of an e-mail between Committee Chairman Foreman and parties to another line siting  
8 proceeding in which the Chairman indicated that all future e-mails should be docketed. See  
9 Attachment C. Although Staff believed at that time that the Chairman intended to docket all future  
10 e-mails that might be substantive in nature, the Chairman's intent may have been narrower in scope.  
11 See Docket No. L-00000D-08-0330-00138, Procedural Order, October 31, 2008.

12 Staff continues to believe that any e-mail that is arguably related to the substance of this  
13 proceeding is part of the record and should be docketed. Consequently, Staff hereby provides notice  
14 of filing those e-mails between parties and Committee members which are in Staff's possession.  
15 These e-mails are provided in the attached printouts of e-mail communications, labeled as  
16 Attachments D and E.<sup>1</sup> Likewise, Staff respectfully requests that the other parties, as well as the  
17 Committee members, docket any additional e-mail communications that are not already included in  
18 this filing which were between any party and any Committee member(s).

19 E-mails provided under Attachment D are the printed copies of all e-mails exchanged  
20 between parties and Committee members that Staff has in its possession. E-mails that are provided  
21 under Attachment E are a selection of e-mails that illustrate how e-mails may inadvertently stray  
22 into substantive discussion off the record.

23 Therefore, in order to complete the record and to provide a fuller context for the discussions  
24 that occurred during the noticed proceedings, Staff provides these e-mails so that they may be  
25 recognized as part of the record herein. Staff also respectfully requests that any additional e-mails  
26 between any party and any Committee member(s) not included in Attachment A to this pleading be  
27 filed with the docket in this matter.

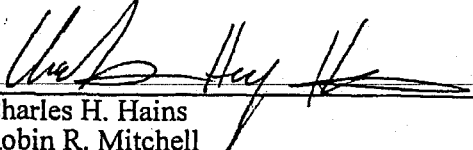
28 <sup>1</sup> Staff notes that, in order to present the sequence of e-mails received and responses provided by other individuals,  
several of the e-mails produced within the Attachments are duplicated in later e-mail responses.



1 IV. CONCLUSION.

2 In summary, Staff supports this project and urges the Commission to approve these CECs.  
3 Staff does, however, recommend that the Commission include Staff's pole separation condition as  
4 described on pages 3-4 of this filing. Staff also recommends that the Commission clarify the  
5 approved corridor that is described in the CEC as set forth in Section III.B of this filing. Finally,  
6 although Staff has discussed certain procedural matters in Sections III.C and III.D, Staff does not  
7 believe that these issues preclude the Commission from approving these CECs, and Staff continues  
8 to support this project on the merits.

9 RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of November, 2008.

10  
11   
12 Charles H. Hains  
13 Robin R. Mitchell  
14 Attorney, Legal Division  
15 Arizona Corporation Commission  
16 1200 West Washington Street  
17 Phoenix, Arizona 85007  
18 (602) 542-3402

16 Original and twenty-eight (28)  
17 copies of the foregoing filed this  
18 5<sup>th</sup> day of November, 2008 with:

19 Docket Control  
20 Arizona Corporation Commission  
21 1200 West Washington Street  
22 Phoenix, Arizona 85007

23 Copies of the foregoing  
24 mailed this 5<sup>th</sup> day of  
25 November, 2008 to:

26 John Foreman, Chairman  
27 Arizona Power Plant and  
28 Transmission Line Sitting Committee  
Office of the Attorney General  
1275 West Washington Street  
Phoenix, Arizona 85007

# ATTACHMENT B

---

**ORIGINAL**

**OPEN MEETING AGENDA ITEM**

1 Janice Alward (005146)  
2 Arizona Corporation Commission  
3 1200 West Washington Street  
4 Phoenix, Arizona 85007  
5 Telephone: (602) 542-3402  
6 Fax: (602) 542-4870

**RECEIVED**

2008 OCT 21 P 4: 36

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission  
**DOCKETED**

OCT 21 2008

**BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE**

DOCKETED BY

*MM*

9 **IN THE MATTER OF THE APPLICATION**  
10 **OF COOLIDGE POWER CORPORATION IN**  
11 **CONFORMANCE WITH THE**  
12 **REQUIREMENTS OF ARIZONA REVISED**  
13 **STATUTES 40-360.03, FOR A CERTIFICATE**  
14 **OF ENVIRONMENTAL COMPATIBILITY**  
15 **AUTHORIZING CONSTRUCTION OF A**  
16 **NOMINAL 575 MW NATURAL GAS-FIRED,**  
17 **SIMPLE CYCLE GENERATING FACILITY**  
18 **LOCATED WITHIN THE CITY OF**  
19 **COOLIDGE IN PINAL COUNTY, ARIZONA.**

**DOCKET NO. L-00000HH-08-0422-00141**  
**Case No. 141**

**Arizona Corporation Commission**  
**Staff's Request for Review and Notice**  
**of Filing of Concerns Related to**  
**Irregularities in Proceedings**

**I. INTRODUCTION.**

In the above-captioned siting application, a site tour occurred on Monday, September 29, 2008. Thereafter, there were two days of hearing on September 30 and October 1, 2008, before the Siting Committee ("Committee"), an evening public comment session on September 30, 2008, and a Committee vote approving the application on October 1, 2008. The Arizona Corporation Commission Staff ("Staff") became a party to the proceedings after filing an application for intervention. No Staff member or Staff attorney attended the site tour.

During the course of the hearing on September 30, 2008, testimony by the applicant's witnesses and comments by its attorney revealed that there had been off-the-record discussions between Committee members and the applicant's representatives and attorneys during the site tour held on September 29, 2008. See Docket No. L-00000HH-08-0422-00141, Transcript of Record ("Tr.") at 91:23-101:3. Staff Counsel raised concerns on the record about the possibility of Open Meeting Law ("OML") and *ex parte* issues related to the tour. Tr. at 117:9-15. After an off-the-

1 record discussion with the applicant's attorneys, Staff Counsel was not able to obtain sufficient  
2 information to form an opinion as to (1) whether the OML notice was adequate, or (2) whether the  
3 off-the-record discussions complied with siting statutes and rules, including the siting rule prohibiting  
4 *ex parte* discussions. Tr. at 125:24-126:19. On the record, Chairman Foreman directed Staff Counsel  
5 to docket her concerns with supporting analysis. Tr. at 124:21-125:1.

6 On September 30, and October 1, 2008, the Committee continued to hear evidence and take  
7 public comment; on October 1, 2008, the Committee also discussed the application and voted to  
8 approve it. On October 6, 2008, the Chairman docketed a Certificate of Environmental Compatibility  
9 ("CEC") in the form approved by the Committee.

10 After the conclusion of the siting proceedings, Staff Counsel discovered that there had not  
11 been a notice and agenda that complied with the OML for the site tour, the two days of hearing, or  
12 the Committee vote to approve a CEC for the application. Moreover, the Committee proceedings  
13 related to the site tour did not comply with the August 14, 2008, public notice of hearing, the siting  
14 statutes, the Commission's rules related to siting hearings, or the siting rule related to *ex parte*  
15 communications.

16 Although Staff has no issue with the technical merits of the Project, the totality of the  
17 procedural irregularities in the proceedings have the potential to diminish the Commission's and the  
18 public's confidence in this record. Therefore, Staff files this Request for Review pursuant to A.R.S. §  
19 40-360.07 for the Commission's full consideration and determination of whether granting the Project  
20 a CEC is in the public interest under these circumstances. Initially, Staff notes that the decision to  
21 approve a siting application has significant impacts upon broad public interests. For this reason, the  
22 integrity of the record is especially important in these matters.

23  
24 **II. IT APPEARS THAT THERE WAS NO NOTICE AND AGENDA FOR THE**  
25 **COOLIDGE SITING PROCEEDINGS THAT SUFFICIENTLY COMPLIED WITH**  
26 **OPEN MEETING LAW.**

26 The Open Meeting Law statutes ("OML") apply to public meetings of the Committee. *See*  
27 A.R.S. § 38-431, *et seq.* The Committee's open meetings must be noticed and posted with an agenda  
28

1 in a manner that complies with A.R.S. § 38-431.02. Although there was an August 14, 2008, public  
2 notice of hearing that was published and posted for the hearings in this case, the August 14<sup>th</sup> hearing  
3 notice did not comply with the notice and agenda requirements of the OML. *See* A.R.S. § 38-431.02.  
4 The August 14<sup>th</sup> hearing notice does not refer in any way to the OML, does not state that there will be  
5 an open meeting held by the Committee on the Coolidge application, does not refer to the hearing  
6 proceedings as an open meeting held by the Committee, does not set forth an agenda for the meeting,  
7 and most importantly, does not state or otherwise provide notice that the Committee will hear  
8 evidence, discuss, or vote on the Coolidge application for a CEC. *See* August 14<sup>th</sup> Hearing Notice,  
9 Attachment A. Thus, the August 14<sup>th</sup> hearing notice did not provide the required open meeting notice  
10 that the Committee, sitting as a public body, would take evidence, discuss, or vote on Coolidge's  
11 application for a CEC. In short, the Committee's proceedings in this matter were not properly  
12 noticed to the public as open meetings.

13  
14  
15 In a Siting Committee proceeding, the issuance and posting of an Open Meeting Law notice  
16 and agenda are under the purview and responsibility of the Attorney General or his designee, who by  
17 statute sits as the Chairman and Presiding Officer of the Siting Committee. Thus, the process of  
18 issuing and posting a notice and agenda that complies with OML is typically transparent to the  
19 Committee members and the parties to a siting application. In this instance, it appears that the  
20 Committee members and the parties were unaware that an OML notice and agenda had not been  
21 issued and posted by the Chairman as is normally the case.

22 Furthermore, there is no reason to assume that the Committee members who attended the site  
23 tour had any reason to believe that the tour was not being conducted in accordance with properly  
24 noticed protocols issued by the Chairman. In fact, at the procedural conference held on September  
25 19, 2008, the Chairman indicated that he would be issuing an "open meeting posting" concerning the  
26 tour. Prehearing Conference, Tr. at 17:15-21. Unfortunately, no such open meeting notice appears to  
27  
28

1 have been made. In sum, the protocol used for the tour would not have been inappropriate if it had  
2 been properly noticed in accordance with the OML.<sup>1</sup>

3 In addition, an important point must be made concerning the OML discussions in this filing.  
4 Staff wants to make it clear that nothing in this record indicates that anyone intended to knowingly  
5 circumvent the application of the OML to the Committee's proceedings.  
6

7 **III. THE COMMITTEE PROCEEDINGS DID NOT COMPLY WITH THE AUGUST 14<sup>TH</sup>**  
8 **HEARING NOTICE.**

9 **A. The August 14, 2008 Public Hearing Notice Prohibited Off-The-Record *Ex Parte***  
10 **Discussions On The Tour.**

11 The published and posted August 14<sup>th</sup> notice states in relevant part that

12 [t]he Committee may conduct a tour of the Project Site on Monday,  
13 September 29, 2008. The map and itinerary for the tour will be posted  
14 on the Project website. The tour will depart from the Coolidge Youth  
15 Center at approximately 1:30 p.m. Members of the public may follow  
the Committee on the tour in their own private vehicles. *During the*  
*tour the Committee will not deliberate in any manner concerning the*  
*merits of the Application or the Project.*

16 (Emphasis added). The notice also states in relevant part that

17 [t]hese proceedings are governed by Arizona Revised Statutes Section  
18 40-360 and 40-360.13 and Arizona Administrative Code Rules R14-3-  
19 220 and R14-3-113.

20 And, the notice further states that "[n]o substantive communications, not in the public record, may be  
21 made to any member of the Committee."

22 Contrary to these provisions in the August 14<sup>th</sup> notice of hearing, applicant's representatives  
23 and attorneys discussed evidentiary matters concerning the application with the Committee members  
24 on the tour. These discussions occurred off the record, outside the presence of the Staff, and without  
25 a court reporter. On the tour, the applicant's representatives and attorneys discussed evidentiary and  
26 factual matters, such as the height of the stacks, size and mass of the project, and the project's  
27

28 <sup>1</sup> As discussed below, the failure to provide for transcription of the matters discussed on the tour raises other issues under the siting laws.

1 appearance. *See* Tr. at 95:19-101:3, 118:17-124:20. The off-the-record tour discussions also included  
2 comparisons to factual information filed in the application, (Tr. at 122:8-123:8), as well as  
3 comparisons to a previously sited plant. Tr. at 96:11-101:3.

4 The hearing notice states there will be no deliberations by the Committee on the tour and that  
5 the hearing will commence on September 30, 2008, one day after the tour. However, the Committee  
6 heard, received, and exchanged facts and evidence about the application on the tour. Under several  
7 Attorney General ("AG") opinions, it is clear that the definition of "deliberations" by a public body is  
8 not limited to discussing or exchanging viewpoints at the time of vote. The "exchange of any facts  
9 relating to a matter which foreseeably might require some final action" by a public body are by  
10 definition "deliberations" under the OML. Ariz. Op. Atty. Gen. I05-004; I97-012; I79-4; I75-8.  
11 When the Committee members heard and discussed facts and evidence related to matters stated in the  
12 application, they conducted "deliberations" as that term is defined in the AG opinions. If there were  
13 to be an assertion that the term "deliberation" under the OML is more narrowly defined, that assertion  
14 would appear to be dispelled by the unequivocal language in the above-cited AG opinions.<sup>2</sup>

15 There may be an issue as to whether there was a Committee quorum on the tour and whether  
16 the OML applied to the tour if by happenstance there was no quorum. The transcript from the  
17 September 30<sup>th</sup> hearing indicates that there were five Committee members on the tour, including the  
18 Chairman. Tr. at 122:1-3. Thus, it appears that there was one less member than required for a quorum  
19 in attendance on the tour. Even assuming that the absence of a quorum eliminates any OML  
20 violation, the conduct on the tour nonetheless raises concerns as to fundamental fairness. As the  
21 Chairman stated at the prehearing conference:

22  
23 What I would like to do is do an open meetings posting with this, so we  
24 will make sure - - I'm not sure that is fully necessary, since there will  
25 be no discussions concerning the merits of the application at that time,  
26 but out of an abundance of caution, I think it is just good practice to do  
a public meetings posting of the route tour.

27 <sup>2</sup> If the AG's view about the definition of the term "deliberation" is now different than that stated in its published  
28 opinions, it would appear that some public statement to that effect would be appropriate guidance for all public bodies  
covered by the OML.

1 Prehearing Conference Tr. at 17:15-21. In light of the Chairman's statements, the parties (as well as  
2 the public) had no reason to believe that discussions concerning the merits of the application would  
3 occur on the tour.

4 Even if the communications on the tour itself when viewed in isolation do not constitute OML  
5 violations, such issues may be raised by the discussions of the tour on the record at the September  
6 30<sup>th</sup> hearing, which was not properly notice under the OLM. These on-the-record discussions about  
7 the tour appear to be serial communications as to facts and evidence related to the application. These  
8 communications were received and exchanged by the Committee members on the tour and then  
9 subsequently communicated to those members that did not attend. A recent AG opinion addresses  
10 serial communications and states:

11 [t]he requirement that the OML be construed in favor of open and  
12 public meetings leads to the conclusion that simultaneous interaction is  
13 not required for a "meeting" or "gathering" within the OML. "public  
14 official may not circumvent public discussion by splintering the  
15 quorum and having separate or serial discussions. . . . Splintering the  
16 quorum can be done by meeting in person, by telephone, electronically,  
17 or through other means to discuss a topic that is or may be presented to  
18 the public body for a decision. . . . Thus, even if communications on a  
19 particular subject between members of a public body do not take place  
20 at the same time or place, the communications can nonetheless  
21 constitute a "meeting".

22 Ariz. Op. Atty. Gen. I05-004 at 3-4 (internal citations omitted); see also Ariz. Op. Atty. Gen. I08-008  
23 at 4.

24 Also, the hearing notice states that the Committee proceedings are governed by the siting  
25 statutes and the *ex parte* rule. However, again contrary to the hearing notice, the tour discussions did  
26 not comply with the siting statutes and the *ex parte* rule. Neither the public nor Staff had notice,  
27 actual or constructive, that the applicant's representatives and its attorneys would discuss evidence  
28 concerning the application with Committee members on the tour, outside of the transcribed  
proceedings and in contravention of the *ex parte* rule. Indeed, just the opposite was true. Relying on  
the notice, Staff and the public would believe that no such off-the-record communications would take  
place.



1 Finally, the off-the-record discussion on the tour did not comply with the last sentence of the  
2 notice, which states that no substantive communications, not in the public record, would be made to  
3 any member of the Committee. In direct contradiction of this statement, the applicant's  
4 representatives and attorneys discussed the application with Committee members off the record and  
5 without a court reporter present.

6  
7 B. The Procedural Protections Embodied In The Open Meeting Law And The Siting  
8 Laws Are Not Limited To "Contested" Matters.

9 On the record at the September 30th hearing, the Chairman stated that no "contested" matter  
10 was discussed on the tour. Tr. at 122:22-123:8. OML and the Siting Law prohibitions concerning the  
11 exchanging and receiving of facts and evidence are not limited to discussions of "contested" matters  
12 by a public body. Moreover, in siting cases, no committee member could determine with certainty  
13 what evidence might be controversial or contested before the hearings commenced and public  
14 comment was taken.<sup>3</sup> For example, in Siting Case No. 112 (Toltec project application), public  
15 comment raised the subsidence and water table issues that became significant and controversial  
16 points in that proceeding. In fact, the Toltec application was eventually denied in substantial part  
17 based upon those issues. See Decision No. 64446, Docket No. L00000Y-01-0112, (Feb. 6, 2001).

18 C. The Off-The-Record Evidence Was Significant To The Committee's  
19 Consideration Of The Application.

20 The impact on the site of the Project's size, height, mass, position, and appearance are  
21 essential points in the Committee's evaluation of the environmental factors. See A.R.S. § 40-360.06.  
22 The siting rules require this information in the application. See A.A.C. R14-3-219. In Siting Case  
23 No. 105 (SRP's Santan project application), largely as a result of the public's concern related to  
24 height and size issues, the CEC plant site approval was conditioned upon substantial mitigation of  
25 visual impacts. See Decision No. 63611, Docket No. L00000B-00-0105, (May 1, 2001).

26  
27  
28 <sup>3</sup> In this case, the site tour occurred on September 29, 2008. The public comment session did not occur until the evening  
of the next day, September 30, 2008.

1 IV. EVEN IF THE AUGUST 14<sup>TH</sup> HEARING NOTICE HAD NOT EXPLICITLY  
2 PROHIBITED OFF-THE-RECORD *EX PARTE* DISCUSSIONS BETWEEN THE  
3 APPLICANT'S REPRESENTATIVES AND THE COMMITTEE MEMBERS ON THE  
TOUR, THE SITING LAWS PROHIBITED THE DISCUSSIONS.

4 A. The Off-The-Record Discussions Conducted During The Site Tour Did Not  
5 Comply With The Siting Statute Governing Proceedings Before The Siting  
6 Committee.

7 A.R.S. § 40-360.04.C states:

8 The committee or hearing officer shall receive *under oath and before a*  
9 *court reporter the material, nonrepetitive evidence and comments of*  
10 *the parties* to the proceedings and any rebuttal evidence of the  
11 applicant, and the committee or hearing officer may require the  
consolidation of the representation of nongovernmental parties having  
similar interests.

12 (Emphasis added). This statute speaks for itself. It prohibits the Committee from hearing evidence  
13 and comments by the parties that are not under oath and that are not transcribed by a court reporter.  
14 The site tour discussions did not comply with this statute.

15 B. The Off-The-Record Discussions Conducted During The Site Tour Did Not  
16 Comply With Siting Rules Governing Proceedings Before The Siting Committee.

17 A.A.C. R14-3-208.D states:

18 The Presiding Officer shall receive *under oath and before a court*  
19 *reporter the material, nonrepetitive evidence, and comments of the*  
20 *parties* to the proceedings and any rebuttal evidence of the applicant.

21 (Emphasis added). This rule prohibits the Committee from hearing evidence and comments by the  
22 parties that are not under oath and that are not transcribed by a court reporter. The site tour  
23 discussions did not comply with this rule.

24 C. The Off-The-Record Discussions Conducted On The Site Tour Did Not Comply  
25 With The Siting Committee's *Ex Parte* Rule.

26 R14-3-220 states:

27 A. Purpose. It is the purpose of this rule to assist members of the  
28 Arizona Power Plant and Line Siting Committee in avoiding the

possibility of prejudice, real or apparent, to the public interest in proceedings before the Siting Committee.

B. Application. The provisions of this rule apply from the time a notice of siting hearing is published pursuant to R14-3-208(A).

C. Prohibitions.

1. No person shall make or cause to be made an oral or written communication, not on the public record, concerning the substantive merits of siting hearing to member of the Siting Committee involved in the decision-making process for that siting hearing.

2. No member of the Siting Committee shall request, entertain, or consider an unauthorized communication concerning the merits of a siting hearing.

3. The provisions of this rule shall not prohibit:

a. Communications regarding procedural matters;

b. Communications regarding any other proceedings;

c. Intra-agency or non-party communications regarding purely technical and legal matters.

D. Remedy.

1. A member of the Siting Committee who receives an oral or written offer of any communication prohibited by this rule must decline to receive such communication and will explain that the hearing is pending for determination and that all communication regarding it must be made on the public record. If unsuccessful in preventing such communications, the recipient will advise the communicator that the communication will not be considered, a brief signed statement setting forth the substance of the communication and the circumstances under which it was made, will be prepared, and the statement will be filed in the public record of the siting hearing.

2. Any person affected by an unauthorized communication will have an opportunity to rebut on the record any facts or contentions contained in the communication.

1 3. If a party to a contested siting hearing makes an  
2 unauthorized communication, the party may be required to  
3 show cause why its claim or interest in the siting hearing should  
4 not be dismissed, denied, disregarded, or otherwise adversely  
5 affected on account of such violation.

6 This rule speaks for itself as to its effect and purpose. In relevant part, it prohibits the parties to a  
7 siting proceeding and Committee members from discussing a pending matter off the record outside  
8 the presence of another party to the proceeding. The site tour discussions did not comply with this  
9 rule.

#### 10 **V. DUE PROCESS.**

11 Under the siting statutes, the siting process includes an evidentiary hearing before the  
12 Committee. *See* A.R.S. § 40-360.04. The Committee evaluates the proposed project in light of the  
13 environmental factors identified in A.R.S. § 40-360.06 and makes its decision on the application.  
14 The Commission then considers the Committee's evidentiary record and the Committee's decision,  
15 and determines whether to grant or deny a CEC to the applicant by balancing the need for the project  
16 with its impact on the environment. *See* A.R.S. § 40-360.07.

17 In light of the irregularities described above, it could be asserted that fundamental due process  
18 was not afforded to the public, thereby undermining both the public interest and the Commission's  
19 confidence in the Siting Committee's record, which is the evidentiary basis for the Commission's  
20 ultimate decision. Projects of this type have the potential to significantly impact the environment and  
21 ecology of Arizona, and should therefore be subject to high standards of scrutiny.

#### 22 **VI. RATIFICATION OF THE COOLIDGE SITING PROCEEDINGS.**

23 Any legal action by a public body that does not comply with the OML is void unless ratified  
24 pursuant to A.R.S. § 38-431.05.B. The Chairman has, however, issued an open meeting notice and  
25 agenda to provide an opportunity for the Committee to consider ratification pursuant to OML of its  
26 approval of the CEC. Notice and Agenda for Ratification, Attachment B. The Committee ratification  
27 proceedings are scheduled for October 30, 2008 in Coolidge, Arizona.  
28

The Committee could choose to pursue ratification and vote to approve the CEC by ratifying its earlier vote. However, that is not the only possible outcome of further proceedings. The majority of the Committee may vote not to ratify the previous approval.

Whatever the outcome, the matter will then come before the Commission. Under the statutory siting process, the Commission has the ultimate authority to grant or deny Coolidge a CEC based upon the evidentiary record transmitted by the Committee. The Commission may determine that the irregularities in the proceedings before the Committee diminish the integrity of the record, and the Commission may elect to deny the CEC in order to protect the public interest. On the other hand, the Commission could determine that the ratification process has ameliorated the OML and other procedural irregularities, and may vote to grant the applicant a CEC.

## VII. CONCLUSION.

Staff is not bringing this Request for Review based upon any technical aspects of the Project. In its analysis, Staff concluded that approval of the Project is appropriate on the merits. However, the procedural irregularities presented by this record are not insubstantial, and Staff believes that it is important to bring these matters to the Commission's attention in a request for review. Siting power plants and transmission lines is a difficult task, and projects that are sited cannot be easily removed from the Arizona landscape. Because the environment and the ecology of the state is significantly impacted by each sited project, protection of the public concern is paramount. In light of that public concern, it is important that the Commission be aware of the totality of the record when it makes its decision in this matter.

Respectfully Submitted this 21<sup>st</sup> Day of October, 2008.

*Janice M Alward*  
Janice M. Alward  
Chief Counsel, Legal Division

# ATTACHMENT C

---

## Charles Hains

**From:** Acken, Albert [AAcken@lrlaw.com]  
**Sent:** Monday, September 29, 2008 5:19 PM  
**To:** Campbell, Tom; John Foreman  
**Cc:** megan.grabel@aps.com; michael.dewitt@aps.com; Lawrence.Krueger@aps.com; amorre@ecllaw.com; Charles Hains; chrich@roselawgroup.com; crk@davidsonlaw.net; cwelker@holmwright.com; dcj@tblaw.com; gary.birnbaum@mwmf.com; ghays@lawgdh.com; hharpest@holmwright.com; jdrazek@quarles.com; jguy@buckeyeaz.gov; jim.braselton@mwmf.com; jimoyes@lawms.com; jmp@tblaw.com; mark.nadeau@dlapiper.com; mdeblasi@quarles.com; michael.bailey@surpriseaz.com; rferland@quarles.com; rhurley@roselawgroup.com; shane.gosdis@dlapiper.com; smccoy@ecllaw.com; sswakefield@rhhklaw.com; steve.burg@peoriaaz.gov; susan.watson@dlapiper.com; swene@lawms.com; TubacLawyer@aol.com; Campbell, Tom  
**Subject:** RE: CEC CONDITIONS

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Sent: Thursday, September 11, 2008 12:03 PM

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1275 W. Washington

Phoenix, AZ 85007

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john.foreman@azag.gov

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6. Draft Condition 10 eliminates the "to the extent practicable" for the placement of signs. This is an important limitation given access difficulties and potentially applicable approval processes on state and federal land. Additionally, the original sign condition dealt only with the actual acquisition of the ROW. In Case 120 Commissioner Mundell requested a condition be added to inform potential homeowners of a future transmission line. In this case, even on much of the private property, the land is undeveloped, not accessible and lacks public rights of way.

7. Draft Condition 11 could be interpreted to mandate the revegetation of disturbed areas and the use of existing access roads. However, in many portions of the route, there are no existing access roads. Even in corridors with existing roads, those roads may not provide access, depending on the final placement of the line. Additionally, APS must work with existing landowners and it may not make practical or economic sense to revegetate disturbed areas, depending on the landowners' plans

for those areas in the future. In addition, the Applicant's proposal to file a construction mitigation and restoration plan with the ACC before construction begins will provide the ACC the opportunity to review and approve that plan.

8. Draft Condition 15 revises a carefully crafted agreement between Commission Staff and several utilities. While perhaps intended only to clarify, it does change the meaning and scope of the condition. For example, the concerns that this condition was originally drafted to address are limited to situations where pipelines parallel transmission lines and the lines are within 100 feet of each other. Please note, the Applicant does not believe that the current project will be constructed within 100 feet of an existing gas or petroleum line but is agreeing to include it at the request of Staff.

Thank you again for providing your draft conditions for review and comment.

Bert Acken

-----Original Message-----

From: John Foreman [mailto:John.Foreman@azag.gov]

Sent: Thursday, September 11, 2008 12:03 PM

To: Lawrence Robertson; Charles Hains; Janet Stone; Robert Pizorno; Frederick Davidson; Laurie Ehlers; Mark Nadeau; Charles & Sharie Civer; Andrew Moore; Scott McCoy; Edward Dietrich; Garry Hays; Jay Moyes; Steve Wene; Griffin, Betty Jean; Campbell, Tom; Gary Birnbaum; Jim Braselton; Steve Burg; Joseph Drazek; Michelle De Blasi; Roger Ferland; Scott Wakefield, Esq.; Court Rich; Michael Bailey; Dustin Jones

Cc: Marta Hetzer

Subject: CEC CONDITIONS

I have attached a draft of Conditions for CECs generally that I would propose be applied in Application #138. I am soliciting suggestions about how the language could be adapted for use in #138 and suggestions about how it could be improved in general. Please give me your thoughts.



John Foreman  
Assistant Arizona Attorney General  
Chair, Arizona Power Plant and Transmission Line Siting Committee  
1275 W. Washington  
Phoenix, AZ 85007  
Tel: 602-542-7902  
FAX: 602-542-4377  
john.foreman@azag.gov

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-----  
For more information about Lewis and Roca LLP, please go to [www.lewisandroca.com](http://www.lewisandroca.com).  
Phoenix (602) 262-5311  
Tucson (520) 622-2090  
Las Vegas (702) 949-8200  
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Minden (775) 586-9500  
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# ATTACHMENT D

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BEFORE THE ARIZONA CORPORA

**COMMISSIONERS**

Mike Gleason, Chairman  
William A. Mundell  
Jeff Hatch-Miller  
Kristin K. Mayes  
Gary Pierce

Arizona Corporation Commission

**DOCKETED**

APR 29 2008

DOCKETED BY

ne

IN THE MATTER OF THE APPLICATION  
OF ARIZONA PUBLIC SERVICE  
COMPANY, IN CONFORMANCE WITH  
THE REQUIREMENTS OF ARIZONA  
REVISED STATUTES §§ 40-360, *et seq.*,  
FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE SUNDANCE TO  
PINAL SOUTH 230 kV TRANSMISSION  
PROJECT, WHICH ORIGINATES AT THE  
SUNDANCE GENERATING STATION,  
SECTION 2, TOWNSHIP 6 SOUTH, RANGE  
7 EAST, AND TERMINATES AT THE  
FUTURE PINAL SOUTH SUBSTATION,  
SECTION 30, TOWNSHIP 6 SOUTH,  
RANGE 8 EAST, IN PINAL COUNTY,  
ARIZONA.

CASE NO. 136

DOCKET NO. L-00000D-07-0682-00136

DECISION NO. 70325

The Arizona Corporation Commission ("Commission") has conducted its review, pursuant to A.R.S. § 40-360.07. The Commission finds and concludes that the Certificate of Environmental Compatibility ("CEC") issued by the Arizona Power Plant and Transmission Line Siting Committee ("Committee") is hereby granted by this Order.

The Commission further finds and concludes that: (1) the Project is in the public interest because it aids the state in meeting the need for an adequate, economical and reliable supply of electric power; (2) in balancing the need for the Project with its effect on the environment and ecology of the state, the conditions placed on the CEC by the Committee effectively minimize its impact on the environment and ecology of the state; (3) the conditions placed on the CEC by the Committee resolve matters concerning the need for the Project and its impact on the environment and ecology of the state raised during the course of proceedings, and as such, serve as the findings on the matters raised; and (4) in light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

THE CEC ISSUED BY THE SITING COMMITTEE IS  
INCORPORATED HEREIN AND IS APPROVED BY ORDER OF THE  
ARIZONA CORPORATION COMMISSION

Lawrence McLean  
CHAIRMAN

William M. Webb  
COMMISSIONER

Jeffrey H. Hatcher  
COMMISSIONER

Robert J. ...  
COMMISSIONER

Gayle L. ...  
COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. MCNEIL, Executive  
Director of the Arizona Corporation Commission, have  
hereunto, set my hand and caused the official seal of this  
Commission to be affixed at the Capital, in the City of Phoenix,  
this 21<sup>st</sup> day of April, 2008.

Brian C. McNeil  
BRIAN C. MCNEIL  
Executive Director

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

1                                   **BEFORE THE ARIZONA POWER PLANT AND**  
2                                   **TRANSMISSION LINE SITING COMMITTEE**

3  
4   IN THE MATTER OF THE  
5   APPLICATION OF ARIZONA PUBLIC  
6   SERVICE COMPANY, IN  
7   CONFORMANCE WITH THE  
8   REQUIREMENTS OF ARIZONA  
9   REVISED STATUTES §§ 40-360, *et seq.*,  
10   FOR A CERTIFICATE OF  
11   ENVIRONMENTAL COMPATIBILITY  
12   AUTHORIZING THE SUNDANCE TO  
13   PINAL SOUTH 230kV TRANSMISSION  
14   PROJECT, WHICH ORIGINATES AT  
15   THE SUNDANCE GENERATING  
16   STATION, SECTION 2, TOWNSHIP 6  
17   SOUTH, RANGE 7 EAST, AND  
18   TERMINATES AT THE FUTURE PINAL  
19   SOUTH SUBSTATION, SECTION 30,  
20   TOWNSHIP 6 SOUTH, RANGE 8 EAST,  
21   IN PINAL COUNTY, ARIZONA.

}   Docket No.

}   L-00000D-07-0682-00136

}   Case No. 136

22                                   **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

23           Pursuant to notice given as provided by law, the Arizona Power Plant and  
24   Transmission Line Siting Committee (the "Committee") held public hearings on  
25   January 22 and 23, 2008, and February 11, 2008, all in conformance with the requirements  
26   of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of receiving  
evidence and deliberating on the Application of Arizona Public Service Company  
("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in the  
above-captioned case (the "Project").

          The following members and designees of members of the Committee were present  
at one or more of the hearings for the evidentiary presentations and/or for the  
deliberations:

1	Jennifer Boucek	Chairman, Designee for Arizona Attorney General,
2		Terry Goddard
3	David L. Eberhart, P.E.	Designee for Chairman, Arizona Corporation
4		Commission
5	Jack Haenichen	Designee for Director, Energy Department, Arizona
6		Department of Commerce
7	Paul Rasmussen	Designee for Director, Arizona Department of
8		Environmental Quality
9	Jeff McGuire	Appointed Member
10	Michael Palmer	Appointed Member
11	Joy Rich	Appointed Member
12	A. Wayne Smith	Appointed Member
13	Barry Wong	Appointed Member

The Applicant was represented by Thomas H. Campbell and Albert H. Acken of Lewis and Roca LLP. The following parties were granted intervention pursuant to A.R.S. § 40-360.05: Pinal County represented by Lawrence V. Robertson, Jr. and Chris M. Roll; Lonesome Valley Farms Limited Partnership, Jacob Roberts and Gail Robertson (the "Roberts") represented by Court S. Rich; Arizona Corporation Commission ("ACC" or "Commission") Staff, represented by Charles Hains.

At the conclusion of the hearings, the Committee, having received the Application, the appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made and seconded, voted 8 to 0 to grant the Applicant this Certificate of Environmental Compatibility (Case No. 136) for the Project.

1       The Project as approved consists of approximately seven miles of double-circuit  
2 230kV transmission line and required substation facilities and modifications. A general  
3 location map of the Project, described herein, is set forth in **Exhibit A**.

4       The Project will originate at a new 10-acre substation to be located on property  
5 owned by the Applicant adjacent to the Sundance Generating Station, Section 2, Township  
6 6 South, Range 7 East (ACC Decision #63863, Line Siting Case No. 107). A double-  
7 circuit 230kV tie-line will be built from the new substation to interconnect with the  
8 existing substation located on the north side of the Sundance Generating Station.

9       From the new substation, the Project will proceed west, within the Northern  
10 Corridor Area described below, south of existing and future planned natural gas lines north  
11 of Randolph Road, on structures designed to accommodate double-circuit 230kV with  
12 69kV circuits underbuilt. The approved route for the Project then turns south along the  
13 Curry Road alignment to the Southern Corridor Area, described below. From this point  
14 the Project proceeds east within the Southern Corridor Area to the future Pinal South  
15 Substation, located in Section 30, Township 6 South, Range 8 East (approved as part of  
16 ACC Decision #68093, Line Siting Case No. 126).

17       The total right-of-way width is 130 feet within a general corridor that is a minimum  
18 of 500 feet wide, except in the areas identified as the Northern Corridor Area and Southern  
19 Corridor Area in **Exhibit A**. The Northern Corridor Area is a 2700-foot corridor north of  
20 Randolph Road, on property owned by the Applicant, from 250 feet east of Tweedy Road  
21 to the half-section between Curry and Tweedy Roads. The Northern Corridor Area also  
22 includes an area that is a 1380-foot corridor north of Randolph Road, from the half-section  
23 between Curry and Tweedy Roads to 250 feet west of Curry Road. The Southern Corridor  
24 Area is a 3000-foot corridor south from the half-section between State Route 287/Florence  
25 Boulevard and the Earley Road alignment, beginning 250 feet west of Curry Road to 1000  
26 feet east of Eleven Mile Corner Road. Conceptual models of tower types are depicted in

1 Figures G-1 through G-6 of Hearing Exhibit APS-2 (Supplemental Packet #1, Tab 4),  
2 attached hereto as **Exhibit B**.

3 This Certificate is granted upon the following conditions:

- 4 1. The Applicant shall obtain all required approvals and permits necessary to  
5 construct the Project.
- 6 2. The Applicant shall comply with all existing applicable ordinances, master  
7 plans and regulations of the State of Arizona, the County of Pinal, the  
8 United States, and any other governmental entities having jurisdiction.
- 9 3. This authorization to commence construction of the Project shall expire  
10 seventeen years from the date the Certificate is approved by the  
11 Commission; provided, however, that prior to such expiration the Applicant  
12 or its assignees may request that the Commission extend this time limitation.
- 13 4. The Applicant shall make every reasonable effort to identify and correct, on  
14 a case-specific basis, all complaints of interference with radio or television  
15 signals from operation of the transmission lines and related facilities  
16 addressed in this Certificate. The Applicant shall maintain written records  
17 for a period of five years of all complaints of radio or television interference  
18 attributable to operation, together with the corrective action taken in  
19 response to each complaint. All complaints shall be recorded to include  
20 notations on the corrective action taken. Complaints not leading to a  
21 specific action or for which there was no resolution shall be noted and  
22 explained.
- 23 5. The Applicant shall comply with the notice and salvage requirements of the  
24 Arizona Native Plant Law and shall, to the extent feasible, minimize the  
25 destruction of native plants during Project construction.  
26



1 6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or  
2 historical site or object that is at least fifty years old is discovered on state,  
3 county or municipal land during plan-related activities, the person in charge  
4 shall promptly report the discovery to the Director of the Arizona State  
5 Museum, and in consultation with the Director, shall immediately take all  
6 reasonable steps to secure and maintain the preservation of the discovery. If  
7 human remains and/or funerary objects are encountered on private land  
8 during the course of any ground-disturbing activities relating to the  
9 development of the subject property, Applicant shall cease work on the  
10 affected area of the Project and notify the Director of the Arizona State  
11 Museum pursuant to A.R.S. § 41-865.

12 7. The Applicant shall design the transmission lines so as to mitigate impacts  
13 to raptors.

14 8. The Applicant shall use non-specular conductor and dulled surfaces for  
15 transmission line structures.

16 9. Within 120 days of the Commission decision granting this Certificate,  
17 Applicant will post signs in public rights-of-way giving notice of the Project  
18 corridor to the extent authorized by law. The Applicant shall place signs in  
19 prominent locations at reasonable intervals such that the public is notified  
20 along the full length of the transmission line until the transmission structures  
21 are constructed. To the extent practicable, within 45 days of securing  
22 easement or right-of-way for the Project, the Applicant shall erect and  
23 maintain signs providing public notice that the property is the site of a future  
24 transmission line. Such signage shall be no smaller than a normal roadway  
25 sign. The signs shall advise:  
26

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date of completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;
- (e) The name of the Applicant; and
- (f) The Applicant's website.

Sign placement will be reported annually in accordance with Condition 16.

10. Before construction on this Project may commence, the Applicant must file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify that the Applicant use existing roads for construction and access, minimize impacts to wildlife, minimize vegetation disturbance outside of the Project right-of-way, and revegetate native areas following construction disturbance.

11. With respect to the Project, Applicant shall participate in good faith in state and regional transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission constraints in a timely manner.

12. The Applicant shall provide copies of this Certificate to Pinal County Planning and Development, the Arizona State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department.

13. Prior to the date this transmission line is put into commercial service, the Applicant shall provide known homebuilders and developers within one mile of the center line of the Certificate route the identity, location, and a pictorial depiction of the type of power line being constructed, accompanied by a written description, and encourage the developers and homebuilders to

1 include this information in the developers' and homebuilders' homeowners'  
2 disclosure statements.

3 14. The Applicant will not construct the Project on any portion of the existing  
4 Pinal County Fairgrounds, a 120+/- acre parcel, owned by Pinal County,  
5 described as N1/2 SE 1/4 and the SE1/4 NE1/4 Section 25, T6S, R7E,  
6 G&SRB&M, Pinal County, Arizona, without the prior written consent of  
7 Pinal County.

8 15. Before commencing construction of Project facilities located parallel to and  
9 within 100 feet of any existing natural gas or hazardous liquid pipeline, the  
10 Applicant shall:

11 (a) Perform the appropriate grounding and cathodic protection studies to  
12 show that the Project's location parallel to and within 100 feet of  
13 such pipeline results in no material adverse impacts to the pipeline or  
14 to public safety when both the pipeline and the Project are in  
15 operation. If material adverse impacts are noted in the studies,  
16 Applicant shall take appropriate steps to ensure that such material  
17 adverse impacts are mitigated. Applicant shall provide to  
18 Commission Staff reports of studies performed; and

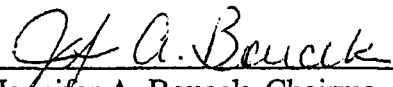
19 (b) Perform a technical study simulating an outage of the Project that  
20 may be caused by the collocation of the Project parallel to and within  
21 100 feet of the existing natural gas or hazardous liquid pipeline.  
22 This study should either: i) show that such outage does not result in  
23 customer outages; or ii) include operating plans to minimize any  
24 resulting customer outages. Applicant shall provide a copy of this  
25 study to Commission Staff.  
26

1 16. The Applicant shall submit a self-certification letter annually, identifying  
2 progress made with respect to each condition contained in the Certificate,  
3 including which conditions have been met. Each letter shall be submitted to  
4 the Utilities Division Director on December 1 beginning in 2008. Attached  
5 to each certification letter shall be documentation explaining how  
6 compliance with each condition was achieved. Copies of each letter along  
7 with the corresponding documentation shall be submitted to the Arizona  
8 Attorney General and Department of Commerce Energy Office. The  
9 requirement for the self-certification shall expire on the date the Project is  
10 placed into operation.

11 17. Applicant will follow the latest Western Electricity Coordinating Council/  
12 North American Electric Reliability Corporation Planning standards as  
13 approved by the Federal Energy Regulatory Commission, and National  
14 Electrical Safety Code construction standards.

15  
16 DATED this 15<sup>th</sup> day of February, 2008.

17 THE ARIZONA POWER PLANT AND  
18 TRANSMISSION LINE SITING COMMITTEE

19  
20   
21 Jennifer A. Boucek, Chairman

22 147062

# ATTACHMENT E

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ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

RECEIVED  
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AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
SERVICE COMPANY, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA  
REVISED STATUTES §§ 40-360, *et seq.*,  
FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE TS-5 TO TS-9  
500/230kV TRANSMISSION LINE  
PROJECT, WHICH ORIGINATES AT  
THE FUTURE TS-5 SUBSTATION,  
LOCATED IN THE WEST HALF OF  
SECTION 29, TOWNSHIP 4 NORTH,  
RANGE 4 WEST AND TERMINATES AT  
THE FUTURE TS-9 SUBSTATION,  
LOCATED IN SECTION 33, TOWNSHIP  
6 NORTH, RANGE 1 EAST, IN  
MARICOPA COUNTY, ARIZONA

Docket No. L-00000D-08-0330-00138

Case No. 138

NOTICE OF FILING PROPOSED  
CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY AND WITNESS  
SUMMARIES

Pursuant to Chairman Foreman's July 2, 2008 Procedural Order, Arizona Public Service Company ("APS") files the attached witness summaries for Mike DeWitt, Jennifer Frownfelter and John Lucas. APS is also filing with this Notice a proposed form of Certificate of Environmental Compability.

RESPECTFULLY submitted this 8<sup>th</sup> day of August, 2008.

Arizona Corporation Commission

DOCKETED

AUG - 8 2008

DOCKETED BY

LEWIS AND ROCA LLP



Thomas H. Campbell

Albert Acken

40 N. Central Avenue

Phoenix, Arizona 85007

Attorneys for Arizona Public Service Company

1                                   **BEFORE THE ARIZONA POWER PLANT AND**  
2                                   **TRANSMISSION LINE SITING COMMITTEE**

3  
4   IN THE MATTER OF THE  
5   APPLICATION OF ARIZONA PUBLIC  
6   SERVICE COMPANY, IN  
7   CONFORMANCE WITH THE  
8   REQUIREMENTS OF ARIZONA  
9   REVISED STATUTES §§ 40-360, *et seq.*,  
10   FOR A CERTIFICATE OF  
11   ENVIRONMENTAL COMPATIBILITY  
12   AUTHORIZING THE TS-5 TO TS-9  
13   500/230kV TRANSMISSION LINE  
14   PROJECT, WHICH ORIGINATES AT  
15   THE FUTURE TS-5 SUBSTATION,  
16   LOCATED IN THE WEST HALF OF  
17   SECTION 29, TOWNSHIP 4 NORTH,  
18   RANGE 4 WEST AND TERMINATES AT  
19   THE FUTURE TS-9 SUBSTATION,  
20   LOCATED IN SECTION 33, TOWNSHIP  
21   6 NORTH, RANGE 1 EAST, IN  
22   MARICOPA COUNTY, ARIZONA

)  
Docket No. L-00000D-08-0330-00138

)  
Case No. 138  
)

23                                   **CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

24           Pursuant to notice given as provided by law, the Arizona Power Plant and  
25   Transmission Line Siting Committee (the "Committee") held public hearings on  
26   August 18 and 19, 2008, and September 8 and 9, 2008, all in conformance with the  
requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et seq.*, for the purpose of  
receiving evidence and deliberating on the Application of Arizona Public Service  
Company ("Applicant") for a Certificate of Environmental Compatibility ("Certificate") in  
the above-captioned case (the "Project").

          The following members and designees of members of the Committee were present  
at one or more of the hearings for the evidentiary presentations and/or for the  
deliberations:

1	John Foreman	Chairman, Designee for Arizona Attorney General,
2		Terry Goddard
3	Paul Rasmussen	Designee for Director, Arizona Department of
4		Environmental Quality
5	Gregg Houtz	Designee for Director, Arizona Department of Water
6		Resources
7	Jack Haenichen	Designee for Director, Energy Office, Arizona
8		Department of Commerce
9	David Eberhart	Designee for Chairman, Arizona Corporation
10		Commission
11	Michael Biesemeyer	Appointed Member
12	Jeff McGuire	Appointed Member
13	Michael Palmer	Appointed Member
14	Joy Rich	Appointed Member
15	Michael Whalen	Appointed Member
16	Barry Wong	Appointed Member

16 Applicant was represented by Thomas H. Campbell and Albert H. Acken of Lewis  
 17 and Roca LLP and Meghan H. Grabel of Applicant's Legal Department. The following  
 18 parties were granted intervention pursuant to A.R.S. § 40-360.05:

19	COUNSEL:	INTERVENING PARTY:
20	Charles H. Hains	Arizona Corporation Commission Staff ("Staff")
21	Mark A. Nadeau	10,000 West, L.L.C.
22	Shane D. Gosdis	
23	Stephen M. Kemp	City of Peoria
24	Stephen J. Burg	
25	Michelle De Blasi	Vistancia, LLC
26	Roger K. Ferland	
	Michael D. Bailey	City of Surprise
	Jay Moyes	Vistancia Associations
	Steve Wene	



1	COUNSEL:	INTERVENING PARTY:
2	Scott S. Wakefield	DLGC II, LLC and
3	Court S. Rich	Lake Pleasant Group, LLP
4	Lawrence V. Robertson, Jr.	Warrick 160, LLC and
5	Scott McCoy	Lake Pleasant 5000, LLC
6	Andrew Moore	Diamond Ventures, Inc.
7	Garry D. Hays	Elliott Homes, Inc.
8	James T. Braselton	Woodside Homes of Arizona, Inc.
9	Christopher S. Welker	Arizona State Land Department
		Surprise Grand Vista JV I, LLC
		LP 107, LLC

10 At the conclusion of the hearings, the Committee, having received the Application,  
11 the appearances of the parties, the evidence, testimony and exhibits presented at the  
12 hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13,  
13 upon motion duly made and seconded, voted \_\_\_ to \_\_\_ to grant Applicant this Certificate of  
14 Environmental Compatibility (Case No. 138) for the Project.

15 The Project as approved consists of approximately 40 miles of 500/230kV  
16 transmission line and ancillary facilities along the route described below. A general  
17 location map of the Project, described herein, is set forth in **Exhibit A**.

18 The Project will begin at the TS-5 (Sun Valley) Substation (approved as part of the  
19 West Valley North Project, ACC Decision No. 67828, Case No. 127), located in the west  
20 half of Section 29, Township 4 North, Range 4 West. The Project will end at the TS-9  
21 Substation (approved as part of the TS-9 to Pinnacle Peak Project, ACC Decision No.  
22 69343, Case No. 131), located in Section 33, Township 6 North, Range 1 East. From the  
23 TS-5 Substation, the Project's route will be as follows:

- 24 • A 3,000-foot-wide corridor that extends north for 0.5 miles, from TS-5 to the north  
25 side of the existing Central Arizona Project ("CAP") canal. The corridor width  
26

1 includes 2,500 feet west and 500 feet east of the half-section line in Section 29,  
2 Township 4 North, Range 4 West.

- 3 • A 3,000-foot-wide corridor that extends northeast for 0.8 miles, paralleling the  
4 existing CAP canal. The corridor width includes 3,000 feet northwest of the chain  
5 link fence on the northwest side of the CAP, paralleling the certificated West  
6 Valley North 230kV line (Line Siting Case No. 127).
- 7 • A 3,000-foot-wide corridor that extends east for 1.8 miles, paralleling the existing  
8 CAP canal, to the junction with the existing 500kV Mead-Phoenix transmission  
9 line. The corridor width includes 3,000 feet north of the chain link fence on the  
10 north side of the CAP, paralleling the certificated West Valley North 230kV line  
11 (Line Siting Case No. 127).
- 12 • A 3,000-foot-wide corridor that extends north-northwest for 2.0 miles, paralleling  
13 the existing Mead-Phoenix transmission line, from the junction of the CAP and the  
14 Mead-Phoenix transmission line, to approximately the 275<sup>th</sup> Avenue alignment (a  
15 section line). The corridor width includes 1,500 feet west and 1,500 feet east of the  
16 Mead-Phoenix transmission line.
- 17 • A 3,000-foot-wide corridor that extends north for 6.1 miles, from the junction of the  
18 existing Mead-Phoenix transmission line and the 275<sup>th</sup> Avenue alignment (a section  
19 line) to the Carefree Highway alignment (a section line). The corridor width  
20 includes 1,500 feet west and 1,500 feet east of the 275<sup>th</sup> Avenue alignment.
- 21 • A 2,000-foot-wide corridor that extends east for 5.0 miles along the Carefree  
22 Highway alignment from the 275<sup>th</sup> Avenue alignment until reaching the 235<sup>th</sup>  
23 Avenue alignment (a section line). The corridor width includes 1,500 feet north  
24 and 500 feet south of the Carefree Highway alignment.
- 25 • A 3,000-foot-wide corridor that extends north for 1.0 mile, from the junction of the  
26 235<sup>th</sup> Avenue alignment and the Carefree Highway alignment to U.S. 60 (Grand

1 Avenue). The corridor width includes 1,500 feet west and 1,500 feet east of the  
2 235<sup>th</sup> Avenue alignment.

- 3 • A 2,000-foot-wide corridor that extends north for 1.5 miles, from U.S. 60 (Grand  
4 Avenue) to the junction of 235<sup>th</sup> Avenue and the half-section line north of the Joy  
5 Ranch Road alignment. The corridor width includes 500 feet west and 1,500 feet  
6 east of 235<sup>th</sup> Avenue.
- 7 • A 3,000-foot-wide corridor that extends east along the half-section line north of the  
8 Joy Ranch Road alignment for 7.0 miles, from 235<sup>th</sup> Avenue to approximately the  
9 179<sup>th</sup> Avenue alignment (a section line), just south of State Route 74 ("SR 74").  
10 The corridor width includes 3,000 feet south of the half-section line.
- 11 • A 3,000-foot-wide corridor that extends south along the 179<sup>th</sup> Avenue alignment for  
12 2.4 miles from the half-section line north of the Joy Ranch Road alignment (just  
13 south of SR 74) to the Carefree Highway alignment (a section line). The corridor  
14 width includes 3,000 feet west of 179<sup>th</sup> Avenue.
- 15 • A 4,000-foot-wide corridor that extends east along the Carefree Highway alignment  
16 for 10.0 miles from 179<sup>th</sup> Avenue to approximately 99<sup>th</sup> Avenue (at the junction  
17 with the existing transmission line corridor). The corridor width includes 2,000 feet  
18 north and 2,000 feet south of the Carefree Highway alignment.
- 19 • A 5,000-foot-wide corridor that extends northwest for 1.2 miles along the existing  
20 transmission line corridor to the termination point at the TS-9 Substation. The  
21 corridor width includes 5,000 feet west of the westernmost existing transmission  
22 line in the existing corridor.

### 23 CONDITIONS

24 This Certificate is granted upon the following conditions:

- 25 1. The Applicant shall obtain all required approvals and permits necessary to  
26 construct the Project.

- 1       2. The Applicant shall comply with all existing applicable ordinances, master  
2       plans and regulations of the State of Arizona, the County of Maricopa, the  
3       United States, and any other governmental entities having jurisdiction.
- 4       3. This authorization to commence construction of the Project shall expire ten  
5       years from the date the Certificate is approved by the Commission; provided,  
6       however, that prior to such expiration the Applicant or its assignees may request  
7       that the Commission extend this time limitation. This time limitation does not  
8       apply to construction and installation of the conductors, tower arms, turning  
9       structures, and other ancillary equipment needed to operate the 230kV circuit.
- 10      4. The Applicant shall make every reasonable effort to identify and correct, on a  
11      case-specific basis, all complaints of interference with radio or television signals  
12      from operation of the transmission lines and related facilities addressed in this  
13      Certificate. The Applicant shall maintain written records for a period of five  
14      years of all complaints of radio or television interference attributable to  
15      operation, together with the corrective action taken in response to each  
16      complaint. All complaints shall be recorded to include notations on the  
17      corrective action taken. Complaints not leading to a specific action or for which  
18      there was no resolution shall be noted and explained.
- 19      5. The Applicant shall comply with the notice and salvage requirements of the  
20      Arizona Native Plant Law and shall, to the extent feasible, minimize the  
21      destruction of native plants during Project construction.
- 22      6. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical  
23      site or object that is at least fifty years old is discovered on state, county or  
24      municipal land during plan-related activities, the person in charge shall  
25      promptly report the discovery to the Director of the Arizona State Museum, and  
26      in consultation with the Director, shall immediately take all reasonable steps to

1 secure and maintain the preservation of the discovery. If human remains and/or  
2 funerary objects are encountered on private land during the course of any  
3 ground-disturbing activities relating to the development of the subject property,  
4 Applicant shall cease work on the affected area of the Project and notify the  
5 Director of the Arizona State Museum pursuant to A.R.S. § 41-865.

- 6 7. Within 120 days of the Commission decision granting this Certificate, Applicant  
7 will post signs in public rights-of-way giving notice of the Project corridor to  
8 the extent authorized by law. The Applicant shall place signs in prominent  
9 locations at reasonable intervals such that the public is notified along the full  
10 length of the transmission line until the transmission structures are constructed.

11 To the extent practicable, within 45 days of securing easement or right-of-way  
12 for the Project, the Applicant shall erect and maintain signs providing public  
13 notice that the property is the site of a future transmission line. Such signage  
14 shall be no smaller than a normal roadway sign. The signs shall advise:

- 15 (a) That the site has been approved for the construction of Project facilities;  
16 (b) The expected date of completion of the Project facilities;  
17 (c) A phone number for public information regarding the Project;  
18 (d) The name of the Project;  
19 (e) The name of the Applicant; and  
20 (f) The Applicant's website.

- 21 8. Before construction on this Project may commence, the Applicant must file a  
22 construction mitigation and restoration plan ("Plan") with ACC Docket Control.  
23 Where practicable, the Plan should specify the Applicant's plans for  
24 construction access and methods to minimize impacts to wildlife and minimize  
25 vegetation disturbance outside of the Project right-of-way.  
26

- 1 9. With respect to the Project, Applicant shall participate in good faith in state and  
2 regional transmission study forums to coordinate transmission expansion plans  
3 related to the Project and to resolve transmission constraints in a timely manner.
- 4 10. The Applicant shall provide copies of this Certificate to the Town of Buckeye,  
5 the City of Peoria, the City of Surprise, the Maricopa County Planning and  
6 Development Department, the Arizona State Land Department, the State  
7 Historic Preservation Office, and the Arizona Game and Fish Department.
- 8 11. Prior to the date this Project is put into commercial service, the Applicant shall  
9 provide known homebuilders and developers within one mile of the center line  
10 of the Certificated route the identity, location, and a pictorial depiction of the  
11 type of power line being constructed, accompanied by a written description, and  
12 encourage the developers and homebuilders to include this information in the  
13 developers' and homebuilders' homeowners' disclosure statements.
- 14 12. Before commencing construction of Project facilities located parallel to and  
15 within 100 feet of any existing natural gas or hazardous liquid pipeline, the  
16 Applicant shall:
- 17 (a) Perform the appropriate grounding and cathodic protection studies to  
18 show that the Project's location parallel to and within 100 feet of such  
19 pipeline results in no material adverse impacts to the pipeline or to  
20 public safety when both the pipeline and the Project are in operation. If  
21 material adverse impacts are noted in the studies, Applicant shall take  
22 appropriate steps to ensure that such material adverse impacts are  
23 mitigated. Applicant shall provide to Commission Staff reports of  
24 studies performed; and
- 25 (b) Perform a technical study simulating an outage of the Project that may be  
26 caused by the collocation of the Project parallel to and within 100 feet of

1 the existing natural gas or hazardous liquid pipeline. This study should  
2 either: i) show that such outage does not result in customer outages; or  
3 ii) include operating plans to minimize any resulting customer outages.

4 Applicant shall provide a copy of this study to Commission Staff.

5 13. Applicant will follow the latest Western Electricity Coordinating Council/North  
6 American Electric Reliability Corporation Planning standards as approved by  
7 the Federal Energy Regulatory Commission, and National Electrical Safety  
8 Code construction standards.

9 14. The Applicant shall submit a self-certification letter annually, identifying  
10 progress made with respect to each condition contained in the Certificate,  
11 including which conditions have been met. Each letter shall be submitted to the  
12 Utilities Division Director on December 1 beginning in 2009. Attached to each  
13 certification letter shall be documentation explaining how compliance with each  
14 condition was achieved. Copies of each letter along with the corresponding  
15 documentation shall be submitted to the Arizona Attorney General and  
16 Department of Commerce Energy Office. The requirement for the self-  
17 certification shall expire on the date the Project is placed into operation.

18 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

19 This Certificate incorporates the following findings of fact and conclusions of law:

- 20 1. The Project is in the public interest because it aids the state in meeting the need  
21 for an adequate, economical and reliable supply of electric power.  
22 2. In balancing the need for the Project with its effect on the environment and  
23 ecology of the state, the conditions placed on the CEC by the Committee  
24 effectively minimize its impact on the environment and ecology of the state.  
25 3. The conditions placed on the CEC by the Committee resolve matters concerning  
26 the need for the Project and its impact on the environment and ecology of the

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- state raised during the course of proceedings, and as such, serve as the findings on the matters raised.
4. In light of these conditions, the balancing in the broad public interest results in favor of granting the CEC.

THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

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Hon. John Foreman, Chairman



# ATTACHMENT F

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ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

RECEIVED  
JUN 26 P 2:51  
ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
SERVICE COMPANY, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA  
REVISED STATUTES §§ 40-360, *et seq.*,  
FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE TS-5 TO TS-9  
500/230kV TRANSMISSION LINE  
PROJECT, WHICH ORIGINATES AT  
THE FUTURE TS-5 SUBSTATION,  
LOCATED IN THE WEST HALF OF  
SECTION 29, TOWNSHIP 4 NORTH,  
RANGE 4 WEST AND TERMINATES AT  
THE FUTURE TS-9 SUBSTATION,  
LOCATED IN SECTION 33, TOWNSHIP  
6 NORTH, RANGE 1 EAST, IN  
MARICOPA COUNTY, ARIZONA

Docket No. L-00000D-08-0330-00138

Case No. 138

ARIZONA PUBLIC SERVICE  
COMPANY'S NOTICE OF FILING  
FORM OF CERTIFICATE OF  
ENVIRONMENTAL  
COMPATIBILITY

Arizona Public Service Company ("APS") has attached as Exhibit A a proposed form of Certificate of Environmental Compatibility. The proposed form incorporates proposed language from APS and the interveners. Contested language is in italics. In most cases, the proposed form indicates who proposed the italicized language. In the case of corridor widths, the proposed form distinguishes among the original corridor widths requested by APS, the corridor width identified in APS' rebuttal testimony and corridor widths proposed by interveners.

Arizona Public Service Company  
TRANSMISSION  
L-00000D-08-0330-00138

mn



1 The following members and designees of members of the Committee were present  
2 at one or more of the hearings for the evidentiary presentations and the deliberations:<sup>1</sup>

3 John Foreman	Chairman, Designee for Arizona Attorney General, 4 Terry Goddard
5 Paul Rasmussen	Designee for Director, Arizona Department of 6 Environmental Quality
7 Gregg Houtz	Designee for Director, Arizona Department of Water 8 Resources
9 Jack Haenichen	Designee for Director, Energy Office, Arizona 10 Department of Commerce
11 William Mundell	Designee for Chairman, Arizona Corporation 12 Commission
13 Patricia Noland	Appointed Member
14 Michael Palmer	Appointed Member
15 Michael Whalen	Appointed Member
16 Barry Wong	Appointed Member

17 Applicant was represented by Thomas H. Campbell and Albert H. Acken of Lewis  
18 and Roca LLP and Meghan H. Grabel of the Applicant's Legal Department. The  
19 following parties were granted intervention pursuant to A.R.S. § 40-360.05:

COUNSEL:	INTERVENING PARTY:
20 Charles H. Hains	Arizona Corporation Commission Staff ("Staff")
21 Ayesha Vohra	
22 Garry D. Hays	Arizona State Land Department
23 Mark A. Nadeau	10,000 West, L.L.C.
Shane D. Gosdis	
24 Michael D. Bailey	City of Surprise
Scott McCoy	Elliott Homes, Inc.

25  
26 <sup>1</sup> Members David Eberhart and Jeff McGuire recused themselves and did not participate in deliberations.

1	COUNSEL:	INTERVENING PARTY:
2	Jon Paladini	Anderson Land & Development
3	Andrew Moore	Woodside Homes of Arizona, Inc.
4	Gary Birnbaum	Surprise Grand Vista JV I, LLC
5	James T. Braselton	Sunhaven Entities
6	Court S. Rich	Warrick 160, LLC and
7		Lake Pleasant 5000, LLC
8	Stephen J. Burg	City of Peoria
9	Joseph Drazek	Vistancia, LLC
10	Steve Wene	Vistancia Associations
11	Lawrence V. Robertson, Jr.	Diamond Ventures, Inc.
12	Chad Kaffer	Quintero Community Associations and Quintero Golf
13		and Country Club
14	Scott S. Wakefield	DLGC II, LLC and
15		Lake Pleasant Group, LLP
16	Christopher S. Welker	LP 107, LLC

12 At the conclusion of the hearings, the Committee, having received the Application,  
13 the appearances of the parties, the evidence, testimony and exhibits presented at the  
14 hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13,  
15 upon motion duly made and seconded, voted \_\_ to \_\_ to grant Applicant this Certificate of  
16 Environmental Compatibility (Case No. 138) for the Project.

17 The Project as approved consists of approximately 40 miles of 500/230kV  
18 transmission line and ancillary facilities along the route described below. A general  
19 location map of the Project, described herein, is set forth in **Exhibit A**.

20 The Project will begin at the TS-5 (Sun Valley) Substation (approved as part of the  
21 West Valley North Project, ACC Decision No. 67828, Case No. 127), located in the west  
22 half of Section 29, Township 4 North, Range 4 West. The Project will end at the TS-9  
23 Substation (approved as part of the TS-9 to Pinnacle Peak Project, ACC Decision No.  
24 69343, Case No. 131), located in Section 33, Township 6 North, Range 1 East. From the  
25 TS-5 Substation, the Project's route will be as follows:  
26

1 If the Preferred Route from MP 0 to MP 9.2 is chosen:

- 2 • A 3,000 [original] // 2,500 [rebuttal] // 1,000 [10,000 West] foot-wide corridor that  
3 extends north for 0.5 miles, from TS-5 to the north side of the existing Central  
4 Arizona Project ("CAP") canal. The corridor width includes 2,500 [original] //  
5 2,000 [rebuttal] feet west and 500 feet east of the half-section line in Section 29,  
6 Township 4 North, Range 4 West.
- 7 • A 3,000 [original] // 2,500 [rebuttal] // 1,000 [10,000 West] foot-wide corridor that  
8 extends northeast for 0.8 miles, paralleling the existing CAP canal. The corridor  
9 width includes 3,000 [original] // 2,500 [rebuttal] // 1,000 [10,000 West] feet  
10 northwest of the chain link fence on the northwest side of the CAP, paralleling the  
11 certificated West Valley North 230kV line (Line Siting Case No. 127).
- 12 • A 3,000 [original] // 2,500 [rebuttal] // 1,000 [10,000 West] foot-wide corridor that  
13 extends east for 1.8 miles, paralleling the existing CAP canal, to the junction with  
14 the existing 500kV Mead-Phoenix transmission line. The corridor width includes  
15 3,000 [original] // 2,500 [rebuttal] // 1,000 [10,000 West] feet north of the chain  
16 link fence on the north side of the CAP, paralleling the certificated West Valley  
17 North 230kV line (Line Siting Case No. 127).
- 18 • A 3,000 [original] // 2,000 [rebuttal] // 1,500 [10,000 West] foot-wide corridor that  
19 extends north-northwest for approximately 2.0 miles, paralleling the existing Mead-  
20 Phoenix transmission line, from the junction of the CAP and the Mead-Phoenix  
21 transmission line, to approximately the 275<sup>th</sup> Avenue alignment (a section line).  
22 The corridor width includes 1,500 [original] // 1,000 [rebuttal] // 750 [10,000  
23 West] feet west and 1,500 [original] // 1,000 [rebuttal] // 750 [10,000 West] feet  
24 east of the Mead-Phoenix transmission line.
- 25 • A 3,000 [original] // 2,000 [rebuttal] // 1,000 [10,000 West] foot-wide corridor that  
26 extends north for 4.1 miles, from the junction of the existing Mead-Phoenix

1 transmission line and the 275<sup>th</sup> Avenue alignment (a section line) to the Carefree  
2 Highway alignment (a section line). The corridor width includes 1,500 [original] //  
3 500 [rebuttal] // 0 [10,000 West] feet west and 1,500 [original] // 1,000 [rebuttal]  
4 and 10,000 West] feet east of the 275<sup>th</sup> Avenue alignment.

5  
6 If the Preferred Route from MP 9.2 to 16.2 is chosen:

- 7 • A 3,000 [original] // 2,000 [rebuttal] // 1,000 [10,000 West] foot-wide corridor that  
8 extends north for 2.0 miles, from the junction of the existing Mead-Phoenix  
9 transmission line and the 275<sup>th</sup> Avenue alignment (a section line) to the Carefree  
10 Highway alignment (a section line). The corridor width includes 1,500 [original] //  
11 500 [rebuttal] // 0 [10,000 West] feet west and 1,500 [original] // 1,000 [rebuttal]  
12 and 10,000 West] feet east of the 275<sup>th</sup> Avenue alignment.
- 13 • A 2,000 foot-wide corridor that extends east for 5.0 miles along the Carefree  
14 Highway alignment from the 275<sup>th</sup> Avenue alignment until reaching the  
15 235<sup>th</sup> Avenue alignment (a section line). The corridor width includes 1,500 feet  
16 north and 500 feet south of the Carefree Highway alignment. [original]

17  
18 If the Preferred Route from MP 16.2 to MP 25.7 is chosen:

- 19 • A 3,000 [original] // 2,500 [rebuttal] foot-wide corridor that extends north for  
20 approximately 1.0 mile, from the junction of the 235<sup>th</sup> Avenue alignment and the  
21 Carefree Highway alignment to U.S. 60 (Grand Avenue). The corridor width  
22 includes 1,500 feet west and 1,500 [original] // 1,000 [rebuttal] feet east of the  
23 235<sup>th</sup> Avenue alignment.
- 24 • A 2,000 [original] // 1,500 [rebuttal] foot-wide corridor that extends north for 1.5  
25 miles, from U.S. 60 (Grand Avenue) to the junction of 235<sup>th</sup> Avenue and the half-  
26

1 section line north of the Joy Ranch Road alignment. The corridor width includes  
2 500 feet west and [original] 1,500 feet east of 235<sup>th</sup> Avenue.

- 3 • A 3,000 [original] // 860 [rebuttal] foot-wide corridor that extends east along the  
4 [half-section line north of the] [original] Joy Ranch Road alignment [rebuttal] for  
5 7.0 miles, from 235<sup>th</sup> Avenue to approximately the 179<sup>th</sup> Avenue alignment (a  
6 section line), just south of State Route 74 ("SR 74"). The corridor width includes  
7 3,000 feet south of the half-section line. [original] // 500 feet north and 360 feet  
8 south of the Joy Ranch Road alignment (a section line.) [rebuttal]
- 9 • A 500-foot wide corridor that extends east along the north right-of-way line of the  
10 Joy Ranch Road alignment for 7.0 miles from 235<sup>th</sup> Avenue (on the west) to  
11 approximately the 179<sup>th</sup> Avenue alignment (on the east); and north from said north  
12 right-of-way line for a distance of 500 feet. The proposed corridor does not  
13 encroach upon the Surprise Grand Vista master-planned community. [Surprise  
14 Grand Vista]
- 15 • A 3,000 foot-wide corridor that extends east along the half section alignment north  
16 of the Joy Ranch Road alignment for 0.7 mile to approximately the 179<sup>th</sup> Avenue  
17 alignment (a section line), just south of SR 74. The corridor width includes 3,000  
18 feet south of the half section alignment. [original]

19  
20 If the Preferred Route from MP 25.7 to MP 28.1 is chosen:

- 21 • A 3,000 foot-wide corridor that extends south along the 179<sup>th</sup> Avenue alignment for  
22 2.4 miles from the half-section line north of the Joy Ranch Road alignment (just  
23 south of SR 74) to the Carefree Highway alignment (a section line). The corridor  
24 width includes 3,000 feet west of 179<sup>th</sup> Avenue. [original]
- 25 • A 2,400-foot (approximate) wide corridor that extends south along the eastern  
26 right-of-way line of the 183<sup>rd</sup> Avenue alignment for approximately 1.9 miles from



1 the north right-of-way line of the Joy Ranch Road alignment (on the north) to the  
2 center line of the Carefree Highway alignment (on the south); and east from said  
3 183<sup>rd</sup> Avenue eastern right-of-way line for a distance of 2,400 feet (approximate).  
4 The corridor does not encroach upon the Surprise Grand Vista master-planned  
5 community. [Surprise Grand Vista]  
6

7 If the Preferred Route from MP 28.1 to TS-9 is chosen:

- 8 • A 4,000 [original] // 2,000 [rebuttal] foot-wide corridor that extends east along the  
9 Carefree Highway alignment for 2.0 miles from 179<sup>th</sup> Avenue the 163<sup>rd</sup> Avenue  
10 alignment. The corridor width includes 2,000 [original] // 1,000 [rebuttal] feet  
11 north and 2,000 [original] // 1,000 [rebuttal] feet south of the Carefree Highway  
12 alignment.
- 13 • A 4,000 foot-wide corridor that extends east along the Carefree Highway alignment  
14 for 8.0 miles from 179<sup>th</sup> Avenue to approximately 99<sup>th</sup> Avenue (at the junction with  
15 the existing transmission line corridor). The corridor width includes 2,000 feet  
16 north and 2,000 feet south of the Carefree Highway alignment. [original]
- 17 • A 5,000 foot-wide corridor that extends northwest for 1.2 miles along the existing  
18 transmission line corridor to the termination point at the TS-9 Substation. The  
19 corridor width includes 5,000 feet west of the westernmost existing transmission  
20 line in the existing corridor. [original]  
21

22 If Alternative Route 1, but not Alternative 2, is chosen:

- 23 • A 3,500 [original] // 3,000 [rebuttal] foot-wide corridor that extends east along the  
24 Lone Mountain Road alignment for 5.0 miles from the 275<sup>th</sup> Avenue alignment to  
25 the 235<sup>th</sup> Avenue alignment. The corridor width includes 3,000 feet north [original]  
26 and rebuttal] and 500 feet south [original] of the Lone Mountain Road alignment.

- A 3,000 [original] // 1,500 [rebuttal] foot-wide corridor that extends north along 235<sup>th</sup> Avenue alignment for 0.5 miles to the junction with U.S. 60 (Grand Avenue). The corridor width includes 1,500 feet west [original and rebuttal] and 1,500 feet east [original] of the 235<sup>th</sup> Avenue alignment.
- A 3,000 [original] // 2,500 [rebuttal] foot-wide corridor that extends north along 235<sup>th</sup> Avenue alignment for 1.5 miles to the junction with U.S. 60 (Grand Avenue). The corridor width includes 1,500 feet west [original and rebuttal] // and 1,500 [original] // 1,000 [rebuttal] feet east of the 235<sup>th</sup> Avenue alignment.

If Alternative Route 1 and Alternative Route 2 are chosen:

- A 3,500 [original] // 3,000 [rebuttal] foot-wide corridor that extends east along the Lone Mountain Road alignment for 5.0 miles from the 275<sup>th</sup> Avenue alignment to the 235<sup>th</sup> Avenue alignment. The corridor width includes 3,000 feet north [original and rebuttal] and 500 feet south [original] of the Lone Mountain Road alignment.
- A 1,000 foot-wide corridor that extends east along the Lone Mountain Road alignment for 3.0 miles from the 235<sup>th</sup> avenue alignment to U.S. 60. The corridor width includes 500 feet north and 500 feet south of the Lone Mountain Road alignment. [original]
- A 2,000 [original] // 1,000 [rebuttal] foot-wide corridor that extends east along the Lone Mountain Road alignment for 3.0 miles from U.S. 60 to the 187<sup>th</sup> Avenue alignment. The corridor width includes 1,500 [original] // 1,000 [rebuttal] feet north and 500 feet south [original] of the Lone Mountain Road alignment.
- A 4,500 [original] // 3,000 [rebuttal] foot-wide corridor that extends north along the 187<sup>th</sup> Avenue alignment to the Carefree Highway alignment. The corridor width includes 1,500 feet west and [original] 3,000 feet east [original and rebuttal] of the 187<sup>th</sup> Avenue alignment.

- A 4,000 [original] // 2,000 [rebuttal] foot-wide corridor that extends east along the Carefree Highway alignment for 1.0 mile from the 187<sup>th</sup> Avenue alignment to the 179<sup>th</sup> Avenue alignment. The corridor width includes 2,000 [original] // 1,000 [rebuttal] feet north and 2,000 [original] // 1,000 [rebuttal] feet south of the Carefree Highway alignment.

If Alternative Route 3 is chosen:

- A 3,500 foot-wide corridor that extends east along SR 74 for 10.4 miles from the 179<sup>th</sup> Avenue alignment to the 99<sup>th</sup> Avenue alignment. The corridor width includes 2,000 feet north and 1,500 feet south of the existing SR 74 centerline. [original]
- A 2,000 foot-wide corridor that extends southeast for 1.2 miles along the existing WAPA 230kV transmission line corridor to the termination point at the TS-9 Substation. The corridor width includes 2,000 feet west of the WAPA 230kV transmission line. [original]

If Alternative Route 3, as described during rebuttal, is chosen [with an additional 500 feet to the south at the eastern end and a 500 foot SR 74 buffer]:

- A 3,500 foot-wide corridor that extends east along SR 74 for 9.3 miles from the 179<sup>th</sup> Avenue alignment to the western boundary of Section 29, Township 6 North Range 1 East. The corridor width includes 2,000 feet north and 1,500 feet south of the existing SR 74 centerline. [original]
- A 1,500 [rebuttal] // 2,000 [DLGC] foot-wide corridor that extends east along SR 74 for 1.1 miles from the western boundary of Section 29, Township 6 North Range 1 East to the 99<sup>th</sup> Avenue alignment. The corridor width includes 1,500 [rebuttal] // 2,000 [DLGC] feet south of the existing SR 74 centerline or a 1,500 foot corridor

1 with the northern boundary of the corridor located 500 feet south of SR 74  
2 [DLGC].

- 3 • A 2,000 foot-wide corridor that extends southeast for 1.2 miles along the existing  
4 WAPA 230kV transmission line corridor to the termination point at the TS-9  
5 Substation. The corridor width includes 2,000 feet west of the WAPA 230kV  
6 transmission line. [original]

7  
8 *If Alternative Route 3 North is chosen [with an additional 500 feet to the south at the*  
9 *eastern end]:*

- 10 • A 1,500 foot-wide corridor for that portion of the corridor which is on the north  
11 side of SR 74, with the southern boundary of that portion of the corridor beginning  
12 500 feet north of the centerline for SR 74; a 1,000 foot-wide corridor for that  
13 portion of the corridor which crosses SR 74 from north to south and connects that  
14 portion of the corridor north of SR 74 with that portion of the corridor south of SR  
15 74; and a 1,000 foot-wide corridor for that portion of the corridor which is on the  
16 south side of SR 74, with the northern boundary of that portion of the corridor  
17 beginning 500 feet south of the centerline of SR 74. [Diamond Ventures] // and  
18 west of the eastern boundary of Township 6 North Range 1 West, with the northern  
19 boundary of that portion of the corridor beginning 500 feet south of the centerline  
20 of SR 74; a 1,500 foot-wide corridor for that portion of the corridor which is on the  
21 south side of SR 74 and east of the eastern boundary of Township 6 North Range 1  
22 West. [DLGC]
- 23 • The corridor is 11.7 miles in length, and at its western end diverges from the  
24 Preferred Route at the 179<sup>th</sup> Avenue alignment, just south of SR 74 in Section 27,  
25 Township 6 North, Range 2 West.

26

- The corridor then turns north crossing SR 74 and continues east and along the north side of SR 74 to Section 26, Township 6 North, Range 1 East, a distance of 7.0 miles.
  - The corridor then turns south crossing SR 74 and continues east along the south side of SR 74 to approximately the 99th Avenue alignment in Section 33, Township 6 North, Range 1 East, a distance of approximately 3.4 miles.
  - The corridor then turns south-southeast and continues parallel to the existing (WAPA) 230 kV transmission line to the TS-9 Substation in Section 33, Township 6 North, Range 1 East, a distance of approximately 1.3 miles.
- [original]

*If an Alternative West of the Hassayampa River is chosen: [10,000 West]*

*The Project will exit the TS-5 Substation and proceed 1,400 ' northwest to intersect with the existing 230 kV alignment which is within the approved Palo Verde to TS-5 corridor, thereafter the route will turn generally southeast along the PV- to TS-5 corridor approximately 1.6 miles to the point at which the corridor turns west to make a crossing of the Hassayampa River and thereafter proceeds west along the corridor approximately 1 mile to a point of intersection with 307<sup>th</sup> Avenue. The corridor width includes 3,000'. The Western Alternative then turns north parallel with the alignment for 307th Avenue for approximately 10.5 miles to the intersection with West Black Mountain Road aka Cloud Road to the east. The corridor width includes 1,000 feet west and 1,000 feet east of the 307<sup>th</sup> Avenue alignment. Turning east the Western Alternative follows the alignment of West Black Mountain Road aka Cloud Road ending at the intersection of 275th Avenue and Cloud Road which is a distance of approximately 4.25 miles. The corridor width includes 1,000 feet north of alignment of West Black Mountain Road aka Cloud Road. Included in this segment is a 0.5 mile crossing of the Hassayampa River which is approximately 75 feet lower than the terrain on either side.*

1 From the intersection of 275<sup>th</sup> Avenue and Cloud Road the route turns south along  
2 the alignment of 275<sup>th</sup> Avenue for approximately 1 mile to intersect with either the  
3 preferred route at Carefree Highway and 275<sup>th</sup> Avenue or approximately 2 miles  
4 Alternative 1 at 275<sup>th</sup> Avenue and Lone Mountain Road. The corridor width includes  
5 1,000 feet east of the 275<sup>th</sup> Avenue alignment.

6  
7 If an Alternative connecting with the Westwing Corridor is chosen: [10,000 West]

8 The Project will exit TS-5 to the south approximately 0.75 miles, from TS-5 to a  
9 point south of the Sun Valley Parkway. The corridor width includes 1,000 feet west of the  
10 half-section line in Section 29, Township 4 North, Range 4 West. The route then turns east  
11 in a 1,000 corridor along the south side of the Sun Valley Parkway to the point of  
12 intersection with the Palo Verde to Westwing 500 kV Transmission Line corridor. The  
13 route then proceeds northeast along a 3, 000' (1,000 on either side) along the Palo Verde  
14 to Westwing 500 kV Transmission Line route for approximately 1.25 mile to join the  
15 alignment of the Palo Verde to Westwing 500 kV Transmission Line and the WAPA 230 kV  
16 alignments. Thereafter the route turns east to join the Westwing Corridor along the Palo  
17 Verde to Westwing 500 kV Transmission Line and the WAPA 230 kV alignment into the  
18 TS-9 substation. The corridor width is 400 feet extending 200 feet north and 200 feet  
19 south of the corridor.

### 20 CONDITIONS

21 This Certificate is granted upon the following conditions:

- 22 1. The Applicant shall: (i) obtain all required approvals and permits necessary to  
23 construct the Project; and (ii) shall file its Application(s) for such right(s)-of-  
24 way across United States Bureau of Land Management ("BLM") and Arizona  
25 State Land Department ("ASLD") lands as may be necessary within six (6)  
26 months of the effective date of this Certificate. If either Alternative 3 or

1        *Alternative Route 3 North is chosen: In such right(s)-of-way Application(s) as*  
2        *may be necessary for right(s)-of-way across BLM or ASLD lands for that*  
3        *portion of the Project between the 179<sup>th</sup> Avenue alignment and the TS-9*  
4        *Substation, the Applicant shall specify and request the transmission line route*  
5        *proposed by Diamond Ventures, Inc., during the hearings. [Diamond Ventures]*  
6        *, except that APS may specify and request a transmission line route south of that*  
7        *proposed by Diamond Ventures, Inc. during the hearing in the area east of the*  
8        *eastern boundary of Township 6 North, Range 1 West. [DLGC]*

- 9        2. The Applicant shall comply with all existing applicable ordinances, master  
10       plans and regulations of the State of Arizona, the County of Maricopa, the  
11       United States, and any other governmental entities having jurisdiction.
- 12       3. This authorization to construct the 500 kV circuit of the Project shall expire  
13       ten (10) // five(5) years from the date the Certificate is approved by the  
14       Commission and this authorization to construct the 230 kV circuit of the Project  
15       shall expire twenty (20) // five (5) years from the date the Certificate is approved  
16       by the Commission, unless the specified circuit is capable of operation within  
17       the respective time frame; provided, however, that prior to either such  
18       expiration the Applicant or its assignees may request that the Commission  
19       extend this time limitation.
- 20       4. In the event that the Project requires an extension of the term of this Certificate  
21       prior to completion of construction, Applicant shall use commercially  
22       reasonable means to directly notify all landowners and residents within one mile  
23       of the Project corridor for which the extension is sought. Such landowners and  
24       residents shall be notified of the time and place of the proceeding in which the  
25       Commission shall consider such request for extension.
- 26

- 1           5. The Applicant shall make every reasonable effort to identify and correct, on a  
2           case-specific basis, all complaints of interference with radio or television signals  
3           from operation of the transmission lines and related facilities addressed in this  
4           Certificate. The Applicant shall maintain written records for a period of five  
5           years of all complaints of radio or television interference attributable to  
6           operation, together with the corrective action taken in response to each  
7           complaint. All complaints shall be recorded to include notations on the  
8           corrective action taken. Complaints not leading to a specific action or for which  
9           there was no resolution shall be noted and explained.
- 10          6. To the extent applicable, the Applicant shall comply with the notice and salvage  
11          requirements of the Arizona Native Plant Law and shall, to the extent feasible,  
12          minimize the destruction of native plants during Project construction.
- 13          7. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical  
14          site or object that is at least fifty years old is discovered on state, county or  
15          municipal land during plan-related activities, the person in charge shall  
16          promptly report the discovery to the Director of the Arizona State Museum, and  
17          in consultation with the Director, shall immediately take all reasonable steps to  
18          secure and maintain the preservation of the discovery. If human remains and/or  
19          funerary objects are encountered on private land during the course of any  
20          ground-disturbing activities relating to the development of the subject property,  
21          Applicant shall cease work on the affected area of the Project and notify the  
22          Director of the Arizona State Museum pursuant to A.R.S. § 41-865.
- 23          8. Within 120 days of the Commission decision granting this Certificate, Applicant  
24          will post signs in public rights-of-way giving notice of the Project corridor to  
25          the extent authorized by law. The Applicant shall place signs in prominent  
26          locations at reasonable intervals such that the public is notified along the full



length of the transmission line until the transmission structures are constructed. To the extent practicable, within 45 days of securing easement or right-of-way for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Such signage shall be no smaller than a normal roadway sign. The signs shall advise:

- (a) That the site has been approved for the construction of Project facilities;
- (b) The expected date of completion of the Project facilities;
- (c) A phone number for public information regarding the Project;
- (d) The name of the Project;
- (e) The name of the Applicant; and
- (f) The website of the Project.

9. Applicant, or its assignee(s), shall design the transmission lines to incorporate reasonable measures to minimize impacts to raptors.

10. Applicant, or its assignee(s), shall use non-specular conductor and dulled surfaces for transmission line structures.

11. Before construction on this Project may commence, the Applicant must file a construction mitigation and restoration plan ("Plan") with ACC Docket Control. Where practicable, the Plan shall specify the Applicant's plans for construction access and methods to minimize impacts to wildlife and to minimize vegetation disturbance outside of the Project right-of-way particularly in drainage channels and along stream banks, and shall re-vegetate native areas of construction disturbance outside of the power-line right of way after construction has been completed; [10,000 West] and the Applicant's plans for coordination with the Arizona Game and Fish Department and the State Historic Preservation Office. ; and shall specify that the Applicant shall use existing roads for construction and access where practical. [10,000 West]

- 1 12. With respect to the Project, Applicant shall participate in good faith in state and  
2 regional transmission study forums to coordinate transmission expansion plans  
3 related to the Project and to resolve transmission constraints in a timely manner.  
4 *Without limiting any other aspect of this Condition, APS will in good faith*  
5 *participate in electric system planning within the context of the Long Range*  
6 *Energy Infrastructure Planning Process (the "Infrastructure Process") which*  
7 *was initiated on August 6, 2008 and hosted by the Town of Buckeye for the*  
8 *Buckeye Planning Area in order to establish a regional transmission study*  
9 *("Regional Transmission Study"). The Applicant will in good faith conduct its*  
10 *future transmission line planning for any area covered by the Regional*  
11 *Transmission Study according to the agreed upon terms of the Regional*  
12 *Transmission Study. Further, the Applicant will include a summary of APS's*  
13 *participation in the Infrastructure Process within the annual self-certification*  
14 *letter referenced at Condition 21 herein. [10,000 West]*
- 15 13. The Applicant shall provide copies of this Certificate to the Town of Buckeye,  
16 the City of Peoria, the City of Surprise, the Maricopa County Planning and  
17 Development Department, the Arizona State Land Department, the State  
18 Historic Preservation Office, and the Arizona Game and Fish Department.
- 19 14. Prior to the date construction commences on this Project, the Applicant shall  
20 provide known homebuilders and developers within one mile of the center line  
21 of the Certificated route the identity, location, and a pictorial depiction of the  
22 type of power line being constructed, accompanied by a written description, and  
23 encourage the developers and homebuilders to include this information in the  
24 developers' and homebuilders' homeowners' disclosure statements.  
25  
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1 15. Before commencing construction of Project facilities located parallel to and  
2 within 100 feet of any existing natural gas or hazardous liquid pipeline, the  
3 Applicant shall:

4 (a) Perform the appropriate grounding and cathodic protection studies to  
5 show that the Project's location parallel to and within 100 feet of such  
6 pipeline results in no material adverse impacts to the pipeline or to  
7 public safety when both the pipeline and the Project are in operation. If  
8 material adverse impacts are noted in the studies, Applicant shall take  
9 appropriate steps to ensure that such material adverse impacts are  
10 mitigated. Applicant shall provide to Commission Staff reports of  
11 studies performed; and

12 (b) Perform a technical study simulating an outage of the Project that may be  
13 caused by the collocation of the Project parallel to and within 100 feet of  
14 the existing natural gas or hazardous liquid pipeline. This study should  
15 either: i) show that such outage does not result in customer outages; or  
16 ii) include operating plans to minimize any resulting customer outages.  
17 Applicant shall provide a copy of this study to Commission Staff.

18 16. Applicant will follow the latest Western Electricity Coordinating Council/North  
19 American Electric Reliability Corporation Planning standards as approved by  
20 the Federal Energy Regulatory Commission, and National Electrical Safety  
21 Code construction standards.

22 17. *The Applicant shall maintain appropriate distance between the Project and*  
23 *existing transmission lines in the same corridor. [ACC Staff and 10,000 West]*  
24 *Except when crossing existing lines or entering and exiting substations, this*  
25 *distance should be at a minimum equal to or greater than the height of the*  
26 *tallest tower in each span. [ACC Staff]*

1 18. The Applicant shall submit a self-certification letter annually, identifying  
2 progress made with respect to each condition contained in the Certificate,  
3 including which conditions have been met. Each letter shall be submitted to the  
4 Utilities Division Director on December 1 beginning in 2009. Attached to each  
5 certification letter shall be documentation explaining how compliance with each  
6 condition was achieved. Copies of each letter along with the corresponding  
7 documentation shall be submitted to the Arizona Attorney General and  
8 Department of Commerce Energy Office. The requirement for the self-  
9 certification shall expire on the date the Project is placed into operation.

10 19. *Within eighteen (18) months of the Commission decision granting this*  
11 *Certificate, Applicant will have completed its engineering and design regarding*  
12 *the precise location and placement of Project facilities within the relevant*  
13 *corridors, including, but not limited to the precise location of all Project*  
14 *transmission poles, the height of all Project transmission Poles, and the spans*  
15 *between each and every Project transmission pole. The Applicant is required to*  
16 *complete its final engineering and design of the Project within eighteen (18)*  
17 *months irrespective of when the Applicant actually intends on constructing the*  
18 *Project. [10,000 West]*

19 20. *The Applicant shall work in good faith with effected landowners to mitigate the*  
20 *impacts of the location, construction, and operations of the Project on*  
21 *developments. Among other things at a minimum this effort must include*  
22 *providing timely copies of proposed construction locations and design as set*  
23 *forth in Condition 13 and a commitment on the part of APS to cooperate in*  
24 *modifying such proposals where in the mutual judgment of the parties*  
25 *modification is necessary to reduce or eliminate impacts. [10,000 West]*  
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# ATTACHMENT G

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ORIGINAL

BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE

IN THE MATTER OF THE APPLICATION  
OF ARIZONA PUBLIC SERVICE COMPANY,  
IN CONFORMANCE WITH THE REQUIREMENTS  
OF ARIZONA REVISED STATUTES §§ 40-360,  
*et seq.*, FOR A CERTIFICATE OF ENVIRONMENTAL  
COMPATIBILITY AUTHORIZING THE TS-5 TO TS-9  
500/230KV TRANSMISSION LINE PROJECT, WHICH  
ORIGINATES AT THE FUTURE TS-5 SUBSTATION,  
LOCATED IN THE WEST HALF OF SECTION 29,  
TOWNSHIP 4 NORTH, RANGE 4 WEST AND  
TERMINATES AT THE FUTURE TS-9 SUBSTATION,  
LOCATED IN SECTION 33, TOWNSHIP 6 NORTH,  
RANGE 1 EAST, IN MARICOPA COUNTY, ARIZONA

) Arizona Corporation Commission  
) Docket No. L-00000 D-08-0330-00138  
) Case No. 138

Arizona Corporation Commission

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PROCEDURAL ORDER AND NOTICE OF FILING

The Applicant filed on December 16, 2008, a Notice of Filing that incorporates a proposed Certificate of Environmental Compatibility ("CEC") intended to reflect the decision of the Arizona Power Plant and Transmission Line Siting Committee of December 2, 2008, in this matter. The Notice indicates the proposed form of CEC was filed for the review of the intervenors and to provide the opportunity for the submission of any suggested revisions. John Foreman, designee of the Attorney General of Arizona, Terry Goddard, as Chairman and Presiding Officer of the Arizona Power Plant and Transmission Line Siting Committee as authorized by A.R.S. §§ 40-360.01(C) and (D), 40-360.04 and A.A.C. R14-3-201(E), issued a procedural order soliciting responses and proposed revisions to the proposed form of CEC filed by the Applicant on or before December 26, 2008.

Diamond Ventures, Inc., timely filed a response with proposed revisions. No response or proposed revision was filed by the Staff of the Arizona Corporation Commission or any other intervening party. The Chairman has reviewed the Applicant's proposed CEC, the response and the proposed revisions of Diamond Ventures, and the record. Today, December 29, 2008, is the last day for filing the CEC within the time limits.

The Committee during its deliberations delegated to the Chairman the responsibility of working with the attorneys to conform the final language of the CEC with the results of the deliberations of the Committee. Reporter's Transcript of December 2, 2008 ("RT"), page 3462, lines 4-16.

The Applicant's proposed language of the CEC appears to conform to the results of the deliberations of the Committee with the limited additional language noted below.

The Chairman has modified the language of the proposed CEC in three places. The parties will received an e-mailed copy of this filing with a highlighted copy of the final CEC showing the revisions.

The first revision adds the words: "from the half section line north of the Lone Mountain Road alignment" to the description of the path of the corridor north of the Lone

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**BEFORE THE ARIZONA POWER PLANT AND  
TRANSMISSION LINE SITING COMMITTEE**

IN THE MATTER OF THE  
APPLICATION OF ARIZONA PUBLIC  
SERVICE COMPANY, IN  
CONFORMANCE WITH THE  
REQUIREMENTS OF ARIZONA  
REVISED STATUTES §§ 40-360, *et seq.*,  
FOR A CERTIFICATE OF  
ENVIRONMENTAL COMPATIBILITY  
AUTHORIZING THE TS-5 TO TS-9  
500/230kV TRANSMISSION LINE  
PROJECT, WHICH ORIGINATES AT  
THE FUTURE TS-5 SUBSTATION,  
LOCATED IN THE WEST HALF OF  
SECTION 29, TOWNSHIP 4 NORTH,  
RANGE 4 WEST AND TERMINATES AT  
THE FUTURE TS-9 SUBSTATION,  
LOCATED IN SECTION 33, TOWNSHIP  
6 NORTH, RANGE 1 EAST, IN  
MARICOPA COUNTY, ARIZONA

Docket No. L-00000D-08-0330-00138

Case No. 138

**CERTIFICATE OF ENVIRONMENTAL COMPATIBILITY**

Pursuant to notice given as provided by law, the Arizona Power Plant and  
Transmission Line Siting Committee (the "Committee") held public hearings on  
August 18 and 19, 2008, September 8 and 9, 2008, October 20 through 22, 2008, October  
27 through 30, 2008, November 17 through 19, 2008, and December 1 and 2, 2008, all in  
conformance with the requirements of Arizona Revised Statutes ("A.R.S.") §§ 40-360, *et  
seq.*, for the purpose of receiving evidence and deliberating on the Application of Arizona  
Public Service Company ("Applicant") for a Certificate of Environmental Compatibility  
("Certificate") in the above-captioned case (the "Project").



1 The following members and designees of members of the Committee were present  
2 at one or more of the hearings for the evidentiary presentations and the deliberations:<sup>1</sup>

3 John Foreman	Chairman, Designee for Arizona Attorney General, 4 Terry Goddard
5 Paul Rasmussen	Designee for Director, Arizona Department of 6 Environmental Quality
7 Gregg Houtz	Designee for Director, Arizona Department of Water 8 Resources
9 Jack Haenichen	Designee for Director, Energy Office, Arizona Department of Commerce
10 William Mundell	Designee for Chairman, Arizona Corporation 11 Commission
12 Patricia Noland	Appointed Member
13 Michael Palmer	Appointed Member
14 Michael Whalen	Appointed Member
15 Barry Wong	Appointed Member

16 Applicant was represented by Thomas H. Campbell and Albert H. Acken of Lewis  
17 and Roca LLP and Meghan H. Grabel of the Applicant's Legal Department. The  
18 following parties were granted intervention pursuant to A.R.S. § 40-360.05:

COUNSEL:	INTERVENING PARTY:
20 Charles H. Hains	Arizona Corporation Commission Staff ("Staff")
21 Ayesha Vohra	
22 Garry D. Hays	Arizona State Land Department
23 Mark A. Nadeau	10,000 West, L.L.C.
Shane D. Gosdis	
24 Michael D. Bailey	City of Surprise
Scott McCoy	Elliott Homes, Inc.

25  
26 <sup>1</sup> Members David Eberhart and Jeff McGuire recused themselves and did not participate in deliberations.

COUNSEL:	INTERVENING PARTY:
Jon Paladini	Anderson Land & Development
Andrew Moore	Woodside Homes of Arizona, Inc.
Gary Birnbaum	Surprise Grand Vista JV I, LLC
James T. Braselton	Sunhaven Entities
Court S. Rich	Warrick 160, LLC and Lake Pleasant 5000, LLC
Stephen J. Burg	City of Peoria
Joseph Drazek	Vistancia, LLC
Steve Wene	Vistancia Associations
Lawrence V. Robertson, Jr.	Diamond Ventures, Inc.
Chad Kaffer	Quintero Community Associations and Quintero Golf and Country Club
Scott S. Wakefield	DLGC II, LLC and Lake Pleasant Group, LLP
Christopher S. Welker	LP 107, LLC

At the conclusion of the hearings, the Committee, having received the Application, the appearances of the parties, the evidence, testimony and exhibits presented at the hearings, and being advised of the legal requirements of A.R.S. §§ 40-360 to 40-360.13, upon motion duly made and seconded, voted 9 to 0 to grant Applicant this Certificate of Environmental Compatibility (Case No. 138) for the Project.

The Project as approved consists of approximately 40 miles of 500/230kV transmission line and ancillary facilities along the route described below. A general location map of the Project, described herein, is set forth in Exhibit A.

The Project will begin at the TS-5 (Sun Valley) Substation (approved as part of the West Valley North Project, ACC Decision No. 67828, Case No. 127), located in the west half of Section 29, Township 4 North, Range 4 West. The Project will end at the TS-9 Substation (approved as part of the TS-9 to Pinnacle Peak Project, ACC Decision No.

69343, Case No. 131), located in Section 33, Township 6 North, Range 1 East. From the TS-5 Substation, the Project's route will be as follows<sup>2</sup>:

- A 2,500 foot-wide corridor that extends north for approximately 0.5 miles, from TS-5 to the north side of the existing Central Arizona Project ("CAP") canal. The corridor width includes 2,000 feet west and 500 feet east of the half-section line in Section 29, Township 4 North, Range 4 West.
- A 2,500 foot-wide corridor that extends northeast for approximately 0.8 miles, paralleling the existing CAP canal. The corridor width includes 2,500 feet northwest of the chain link fence on the northwest side of the CAP, paralleling the certificated West Valley North 230kV line (Line Siting Case No. 127).
- A 2,500 foot-wide corridor that extends east for approximately 1.8 miles, paralleling the existing CAP canal, to the junction with the existing 500kV Mead-Phoenix transmission line. The corridor width includes 2,500 feet north of the chain link fence on the north side of the CAP, paralleling the certificated West Valley North 230kV line (Line Siting Case No. 127).
- A 2,000 foot-wide corridor that extends north-northwest for approximately 2.0 miles, paralleling the existing Mead-Phoenix transmission line, from the junction of the CAP and the Mead-Phoenix transmission line, to approximately the 275<sup>th</sup> Avenue alignment. The corridor width includes 1,000 feet west and 1,000 feet east of the Mead-Phoenix transmission line.
- A 1,000 foot-wide corridor that extends north for approximately 4.1 miles, from the junction of the existing Mead-Phoenix transmission line and the 275<sup>th</sup> Avenue alignment to the Lone Mountain Road alignment. The corridor width includes 1,000 feet east of the 275<sup>th</sup> Avenue alignment.

<sup>2</sup> Referenced road alignments in route description are along section lines unless otherwise noted.

- A 3,000 foot-wide corridor that extends east along the Lone Mountain Road alignment for approximately 5.0 miles from the 275<sup>th</sup> Avenue alignment to the 235<sup>th</sup> Avenue alignment. The corridor width includes 3,000 feet north of the Lone Mountain Road alignment.
- A 1,500 foot-wide corridor that extends north along 235<sup>th</sup> Avenue alignment for approximately 0.5 miles to the half section line north of the Lone Mountain Road alignment. The corridor width includes 1,500 feet west of the 235<sup>th</sup> Avenue alignment.
- A 2,500 foot-wide corridor that extends north along 235<sup>th</sup> Avenue alignment for approximately 2.4 miles from the half section line north of the Lone Mountain Road alignment to the junction with U.S. 60 (Grand Avenue). The corridor width includes 1,500 feet west and 1,000 feet east of the 235<sup>th</sup> Avenue alignment.
- A 1,500 foot-wide corridor that extends north for approximately 1.1 miles, from U.S. 60 (Grand Avenue) to the junction of 235<sup>th</sup> Avenue and the Joy Ranch Road alignment. The corridor width includes 1,500 feet east of 235<sup>th</sup> Avenue.
- A 1,500-foot wide corridor that extends east along the Joy Ranch Road alignment for approximately 6.3 miles from 235<sup>th</sup> Avenue to approximately 0.3 miles east of the 187<sup>th</sup> Avenue alignment. The corridor width includes 1,500 feet north of the Joy Ranch Road alignment.
- A corridor up to 2,640 feet wide that extends east along the Joy Ranch Road alignment for approximately 0.7 mile to the 179<sup>th</sup> Avenue alignment. The entire corridor is located south of the centerline of SR 74 and north of the Joy Ranch Road alignment, with a maximum width up to 2,640 feet north of the Joy Ranch Road alignment.
- A 1,500 foot-wide corridor on the south side of SR 74 that extends east along SR 74 for approximately 2.1 miles from the 179<sup>th</sup> Avenue alignment to the 163<sup>rd</sup>

1 Avenue alignment. The corridor width includes 1,500 feet south of the existing SR  
2 74 centerline. The corridor excludes the property designated Village 'E' in the  
3 record (Exhibit DV-13, slide 7L) owned by Diamond Ventures west of the 163<sup>rd</sup>  
4 Avenue alignment and south of SR 74.

- 5 • A 1,000 foot-wide corridor, centered on the 163<sup>rd</sup> Avenue alignment, which crosses  
6 SR 74 from south to north and connects that portion of the corridor south of SR 74  
7 with that portion of the corridor north of SR 74. The corridor excludes the  
8 properties designated Village 'A' and Village 'E' in the record (Exhibit DV-13,  
9 slide 7L) owned by Diamond Ventures east and west of the 163<sup>rd</sup> Avenue alignment  
10 and south of SR 74.

- 11 • A 1,500 foot-wide corridor, on the north side of SR 74, that extends east along SR  
12 74 for approximately 4.9 miles from the 163<sup>rd</sup> Avenue alignment to approximately  
13 0.3 mile west of the section line between Sections 25 and 26 of Township 6 North,  
14 Range 1 West. The southern boundary of the corridor begins 500 feet north of the  
15 centerline for SR 74.

- 16 • A 1,000 foot-wide corridor, centered on a north-south line 0.3 mile west of the  
17 section line between Sections 25 and 26 of Township 6 North, Range 1 West,  
18 which crosses SR 74 from north to south and connects that portion of the corridor  
19 north of SR 74 with that portion of the corridor south of SR 74.

- 20 • A 1,000 foot-wide corridor, on the south side of SR 74, that extends east along SR  
21 74 for approximately 1.3 miles to the eastern boundary of Township 6 North Range  
22 1 West (the 115<sup>th</sup> Avenue alignment). The northern boundary of the corridor begins  
23 500 feet south of the centerline of SR 74.

- 24 • A 1,500 foot-wide corridor, on the south side of SR 74, that extends east along SR  
25 74 for approximately 2.1 miles from the 115<sup>th</sup> Avenue Alignment to the 99<sup>th</sup>  
26

1 Avenue alignment in Section 33, Township 6 North, Range 1 East. The northern  
2 boundary of the corridor begins 500 feet south of the centerline of SR 74.

- 3 • A corridor up to 2,000 feet wide that extends southeast for approximately 1.0 mile  
4 along the existing WAPA 230kV transmission line corridor and then east for  
5 approximately 0.3 mile to the termination point at the TS-9 Substation. The  
6 corridor width includes 2,000 feet west of the WAPA 230kV transmission line until  
7 it turns east and then includes 700 feet north of the Cloud Road alignment.

### 8 9 CONDITIONS

10 This Certificate is granted upon the following conditions:

- 11 1. The Applicant shall: (i) obtain all required approvals and permits necessary to  
12 construct the Project; (ii) shall file its Application for such right(s)-of-way  
13 across United States Bureau of Land Management ("BLM") lands as may be  
14 necessary within sixty (60) days of the effective date of this Certificate; and (iii)  
15 shall file its Application for such rights-of-way across Arizona State Land  
16 Department ("ASLD") lands as may be necessary within 12 months of the  
17 effective date of this Certificate.
- 18 2. The Applicant shall comply with all existing applicable ordinances, master  
19 plans and regulations of the State of Arizona, the County of Maricopa, the  
20 United States, and any other governmental entities having jurisdiction.

- 1 3. This authorization to construct the 500 kV circuit of the Project shall expire  
2 seven (7) years from the date the Certificate is approved by the Commission and  
3 this authorization to construct the 230 kV circuit of the Project shall expire ten  
4 (10) years from the date the Certificate is approved by the Commission, unless  
5 the specified circuit is capable of operation within the respective time frame;  
6 provided, however, that prior to either such expiration the Applicant or its  
7 assignees may request that the Commission extend this time limitation.
- 8 4. In the event that the Project requires an extension of the term of this Certificate  
9 prior to completion of construction, Applicant shall use commercially  
10 reasonable means to directly notify all landowners and residents within one mile  
11 of the Project corridor for which the extension is sought. Such landowners and  
12 residents shall be notified of the time and place of the proceeding in which the  
13 Commission shall consider such request for extension.
- 14 5. The Applicant shall make every reasonable effort to identify and correct, on a  
15 case-specific basis, all complaints of interference with radio or television signals  
16 from operation of the transmission lines and related facilities addressed in this  
17 Certificate. The Applicant shall maintain written records for a period of five  
18 years of all complaints of radio or television interference attributable to  
19 operation, together with the corrective action taken in response to each  
20 complaint. All complaints shall be recorded to include notations on the  
21 corrective action taken. Complaints not leading to a specific action or for which  
22 there was no resolution shall be noted and explained.
- 23 6. To the extent applicable, the Applicant shall comply with the notice and salvage  
24 requirements of the Arizona Native Plant Law and shall, to the extent feasible,  
25 minimize the destruction of native plants during Project construction.  
26

1 7. Pursuant to A.R.S. § 41-844, if any archaeological, paleontological or historical  
2 site or object that is at least fifty years old is discovered on state, county or  
3 municipal land during plan-related activities, the person in charge shall  
4 promptly report the discovery to the Director of the Arizona State Museum, and  
5 in consultation with the Director, shall immediately take all reasonable steps to  
6 secure and maintain the preservation of the discovery. If human remains and/or  
7 funerary objects are encountered on private land during the course of any  
8 ground-disturbing activities relating to the development of the subject property,  
9 Applicant shall cease work on the affected area of the Project and notify the  
10 Director of the Arizona State Museum pursuant to A.R.S. § 41-865.

11 8. Within 120 days of the Commission decision granting this Certificate, Applicant  
12 will post signs in public rights-of-way giving notice of the Project corridor to  
13 the extent authorized by law. The Applicant shall place signs in prominent  
14 locations at reasonable intervals such that the public is notified along the full  
15 length of the transmission line until the transmission structures are constructed.  
16 To the extent practicable, within 45 days of securing easement or right-of-way  
17 for the Project, the Applicant shall erect and maintain signs providing public  
18 notice that the property is the site of a future transmission line. Such signage  
19 shall be no smaller than a normal roadway sign. The signs shall advise:

- 20 (a) That the site has been approved for the construction of Project facilities;  
21 (b) The expected date of completion of the Project facilities;  
22 (c) A phone number for public information regarding the Project;  
23 (d) The name of the Project;  
24 (e) The name of the Applicant; and  
25 (f) The website of the Project.  
26



- 1 9. Applicant, or its assignee(s), shall design the transmission lines to incorporate  
2 reasonable measures to minimize impacts to raptors.
- 3 10. Applicant, or its assignee(s), shall use non-specular conductor and dulled  
4 surfaces for transmission line structures.
- 5 11. Before construction on this Project may commence, the Applicant must file a  
6 construction mitigation and restoration plan ("Plan") with ACC Docket Control.  
7 Where practicable, the Plan shall specify the Applicant's plans for construction  
8 access and methods to minimize impacts to wildlife and to minimize vegetation  
9 disturbance outside of the Project right-of-way particularly in drainage channels  
10 and along stream banks, and shall re-vegetate, unless waived by the landowner,  
11 native areas of construction disturbance to its preconstruction state outside of  
12 the power-line right of way after construction has been completed; and the  
13 Applicant's plans for coordination with the Arizona Game and Fish Department  
14 and the State Historic Preservation Office; and shall specify that the Applicant  
15 shall use existing roads for construction and access where practicable.
- 16 12. With respect to the Project, Applicant shall participate in good faith in state and  
17 regional transmission study forums to coordinate transmission expansion plans  
18 related to the Project and to resolve transmission constraints in a timely manner.  
19 Without limiting any other aspect of this Condition, APS will in good faith  
20 participate in electric system planning within the context of the Long Range  
21 Energy Infrastructure Planning Process (the "Infrastructure Process") which was  
22 initiated on August 6, 2008 and hosted by the Town of Buckeye for the Buckeye  
23 Planning Area in order to establish a regional transmission study ("Regional  
24 Transmission Study").
- 25 13. The Applicant shall provide copies of this Certificate to the Town of Buckeye,  
26 the City of Peoria, the City of Surprise, the Maricopa County Planning and

Development Department, the Arizona State Land Department, the State  
Historic Preservation Office, and the Arizona Game and Fish Department.

14. Prior to the date construction commences on this Project, the Applicant shall  
provide known homebuilders and developers within one mile of the center line  
of the Certificated route the identity, location, and a pictorial depiction of the  
type of power line being constructed, accompanied by a written description, and  
encourage the developers and homebuilders to include this information in the  
developers' and homebuilders' homeowners' disclosure statements.

15. Before commencing construction of Project facilities located parallel to and  
within 100 feet of any existing natural gas or hazardous liquid pipeline, the  
Applicant shall:

(a) Perform the appropriate grounding and cathodic protection studies to  
show that the Project's location parallel to and within 100 feet of such  
pipeline results in no material adverse impacts to the pipeline or to  
public safety when both the pipeline and the Project are in operation. If  
material adverse impacts are noted in the studies, Applicant shall take  
appropriate steps to ensure that such material adverse impacts are  
mitigated. Applicant shall provide to Commission Staff reports of  
studies performed; and

(b) Perform a technical study simulating an outage of the Project that may be  
caused by the collocation of the Project parallel to and within 100 feet of  
the existing natural gas or hazardous liquid pipeline. This study should  
either: i) show that such outage does not result in customer outages; or  
ii) include operating plans to minimize any resulting customer outages.  
Applicant shall provide a copy of this study to Commission Staff.

1 16. Applicant will follow the latest Western Electricity Coordinating Council/North  
2 American Electric Reliability Corporation Planning standards as approved by  
3 the Federal Energy Regulatory Commission, and National Electrical Safety  
4 Code construction standards.

5 17. The Applicant shall submit a self-certification letter annually, identifying  
6 progress made with respect to each condition contained in the Certificate,  
7 including which conditions have been met. Each letter shall be submitted to the  
8 Docket Control of the Arizona Corporation Commission on December 1  
9 beginning in 2009. Attached to each certification letter shall be documentation  
10 explaining how compliance with each condition was achieved. Copies of each  
11 letter along with the corresponding documentation shall be submitted to the  
12 Arizona Attorney General and Department of Commerce Energy Office. The  
13 requirement for the self-certification shall expire on the date the Project is  
14 placed into operation.

15 18. Within sixty (60) days of the Commission decision granting this Certificate, the  
16 Applicant shall make good faith efforts to commence discussions with private  
17 landowners, on whose property the Project corridor is located, to identify the  
18 specific location for the Project's right-of-way and placement of poles.

19 19. The Applicant shall expeditiously pursue reasonable efforts to work with private  
20 landowners on whose property the Project right-of-way will be located, to  
21 mitigate the impacts of the location, construction, and operation of the Project  
22 on private land.

### 23 FINDINGS OF FACT AND CONCLUSIONS OF LAW

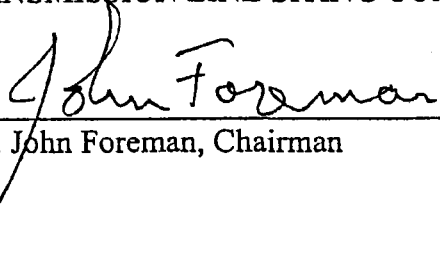
24 This Certificate incorporates the following findings of fact and conclusions of law:

- 25 1. The Project is in the public interest because it aids the state in meeting the need  
26 for an adequate, economical and reliable supply of electric power.

- 1           2. In balancing the need for the Project with its effect on the environment and  
2           ecology of the state, the conditions placed on the CEC by the Committee  
3           effectively minimize its impact on the environment and ecology of the state.  
4           3. The conditions placed on the CEC by the Committee resolve matters concerning  
5           the need for the Project and its impact on the environment and ecology of the  
6           state raised during the course of proceedings, and as such, serve as the findings  
7           on the matters raised.  
8           4. In light of these conditions, the balancing in the broad public interest results in  
9           favor of granting the CEC.

10  
11       December 29, 2008

12                               THE ARIZONA POWER PLANT AND  
13                               TRANSMISSION LINE SITING COMMITTEE

14                                 
15                               \_\_\_\_\_  
16                               Hon. John Foreman, Chairman  
17  
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26

## Charles Hains

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**From:** John Foreman [John.Foreman@azag.gov]  
**Sent:** Thursday, September 11, 2008 12:03 PM  
**To:** Lawrence Robertson; Charles Hains; Janet Stone; Robert Pizorno; Frederick Davidson; Laurie Ehlers; Mark Nadeau; Charles & Sharie Civer; Andrew Moore; Scott McCoy; Edward Dietrich; Garry Hays; Jay Moyes; Steve Wene; Betty Griffin; Thomas Campbell; Gary Birnbaum; Jim Braselton; Steve Burg; Joseph Drazek; Michelle De Blasi; Roger Ferland; Scott Wakefield, Esq.; Court Rich; Michael Bailey; Dustin Jones  
**Cc:** Marta Hetzer  
**Subject:** CEC CONDITIONS  
**Attachments:** PHX-#283427-v1-CEC\_CONDITIONS.DOC



PHX-#283427-v1-C  
EC\_CONDITIONS....

I have attached a draft of Conditions for CECs generally that I would propose be applied in Application #138. I am soliciting suggestions about how the language could be adapted for use in #138 and suggestions about how it could be improved in general. Please give me your thoughts.

John Foreman  
~~Assistant Arizona Attorney General~~  
Chair, Arizona Power Plant and Transmission Line Siting Committee  
1275 W. Washington  
Phoenix, AZ 85007  
Tel: 602-542-7902  
FAX: 602-542-4377  
john.foreman@azag.gov

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## Draft CEC Conditions

The Certificate of Environmental Compatibility ("CEC") is granted conditioned upon the Applicant's compliance with the following:

1. The Applicant shall obtain all permits, licenses and approvals required by the United States of America or its agencies, the State of Arizona or its agencies, and any local government or local governmental agency that are legally required to construct and to operate the transmission line [power plant].
2. The Applicant shall comply with all applicable statutes, regulations and master plans of the United States of America or its agencies, the State of Arizona or its agencies, and any local government or local governmental agency in the construction and operation of the transmission line [power plant].
3. If any archaeological, paleontological or historical site or object that is at least fifty years old is discovered on state, county or municipal land during the construction or operation of the transmission line [power plant], the Applicant or its representative in charge shall promptly report the discovery to the Director of the Arizona State Museum, and in consultation with the Director, shall immediately take all reasonable steps to secure and maintain the preservation of the discovery. A.R.S. § 41-844.
4. If human remains and/or funerary objects are encountered on private land during the course of any ground-disturbing activities relating to the construction or operation of the transmission line [power plant], the Applicant shall cease work on the affected area of the Project and notify the Director of the Arizona State Museum. A.R.S. § 41-865.
5. The Applicant shall comply with the notice and salvage requirements of the Arizona Native Plant Law (A.R.S. §§ 3-901 et seq.) and shall, to the extent feasible, minimize the destruction of native plants during the construction and operation of the transmission line [power plant].
6. This CEC shall expire five years from the date of its final approval by the Arizona Corporation Commission ("ACC") unless prior to that time the expiration date of the CEC is extended by the ACC after a timely application has been filed by the Applicant or its successors in interest.
7. The Applicant shall document and make reasonable efforts to correct each complaint of interference with radio or television signals from the operation of the transmission lines [power plant] and related facilities identified in the CEC. The Applicant shall maintain written records for a period of five years of all complaints of radio or television interference attributed to the operation of the transmission line. The documentation shall include the date of the complained interference, the name and identifying information of the complaining party, the corrective action taken, and the results of the corrective action. If no corrective action was taken, the documentation shall explain why no action was taken.
8. The Applicant shall design and construct the transmission line [power plant] to minimize impact upon raptors.

9. The Applicant shall use non-specular conductor and dulled surfaces for the transmission line structures.
10. Within 120 days of the ACC decision approving this CEC, the Applicant shall post signs in public rights-of-way giving notice of the Project corridor to the extent authorized by law. The Applicant shall place signs in prominent locations at reasonable intervals so the public will be notified of the future location of the transmission line along the full length of the corridor until the transmission structures are constructed. Within 45 days of securing easements for rights-of-way through land that was not public for the Project, the Applicant shall erect and maintain signs providing public notice that the property is the site of a future transmission line. Signs shall be no smaller than twelve inches by twenty four inches. The signs shall advise:
  - a. A CEC has been granted authorizing the construction of a transmission line at this site;
  - b. The name of the Project;
  - c. The expected dates construction will begin and be completed;
  - d. A telephone number, postal address and e-mail address that may be contacted by a member of the public to obtain information about the Project; and
  - e. The name, postal address and website address of the Applicant.
11. During the construction and maintenance of the transmission line [power plant], to the extent practicable the Applicant shall use existing roads for construction and access, minimize impacts to wildlife, minimize vegetation disturbance outside of the Project right-of-way, and revegetate native areas following construction disturbance. Before construction commences, the Applicant shall file with the ACC Docket Control a construction mitigation and restoration plan that lists how the Applicant will use existing roads for construction and access, minimize impacts to wildlife, minimize vegetation disturbance outside of the Project right-of-way, and revegetate native areas following construction disturbance.
12. The Applicant shall participate in good faith in regional, state and local transmission study forums to coordinate transmission expansion plans related to the Project and to resolve transmission reliability and adequacy issues.
13. The Applicant shall provide copies of this CEC to the Maricopa County Planning and Development, the Arizona State Land Department, the State Historic Preservation Office, and the Arizona Game and Fish Department.
14. Within 120 days after the approval of this CEC by the Arizona Corporation Commission, the Applicant shall provide a copy of this CEC to all persons or business entities who are known to have plans to develop or build homes on property within one mile from the center line of the transmission line corridor [power plant location] authorized by this CEC, a map showing the location of the transmission line [power plant], and a pictorial representation of the transmission line [power plant] that will be constructed. The Applicant shall request the developers and homebuilders include this information in the developers' and homebuilder's disclosure statements to prospective buyers.

15. If the Project authorizes a transmission line to be constructed within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall construct and maintain the line so that it will result in no material adverse impacts to the pipeline or to public safety. Before commencing construction of any portion of the Project located within 100 feet of any existing natural gas or hazardous liquid pipeline, the Applicant shall:
  - a. Perform the appropriate grounding and cathodic protection studies to show the Project's location will result in no material adverse impacts to the pipeline or to public safety when both the pipeline and the Project are in operation. The Applicant shall provide to the ACC Staff all reports of studies performed; and
  - b. Perform a technical study simulating an outage of the Project that may be caused by the collocation of the Project with in 100 feet of the existing natural gas or hazardous liquid pipeline. The Applicant shall provide to the ACC Staff all reports of studies performed.
16. The Applicant shall submit a self-certification letter describing progress made toward compliance with each condition of this CEC. Each letter shall be submitted to the Utilities Division Director of the ACC within ten days after December 1 of each year beginning with 20\_\_. Copies of each letter along with the corresponding documentation shall be submitted to the Arizona Attorney General and the Department of Commerce Energy Office. The requirement for the self-certification shall expire on the date the Project is placed into operation.
17. The Applicant shall follow the latest standards set by the Western Electricity Coordinating Council/North American Electric Reliability Corporation Planning as approved by the Federal Energy Regulatory Commission, and the National Electrical Safety Code in the construction and maintenance of the transmission line [power plant].